



General Assembly

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Human Rights Council

Thirty-first session

Agenda item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

**Bolivia (Plurinational State of), Cuba, Ecuador, Egypt,* Malaysia,* Namibia,
Nicaragua,* Philippines, Venezuela (Bolivarian Republic of), State of Palestine*: draft
resolution**

31/... Composition of staff of the Office of the United Nations High Commissioner for Human Rights

The Human Rights Council,

Recalling paragraph 5 (g) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Human Rights Council should assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the Assembly in its resolution 48/141 of 20 December 1993,

Taking note of all relevant resolutions on this issue adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council,

Bearing in mind that an imbalance in the composition of the staff could diminish the effectiveness of the work of the Office of the High Commissioner if it is perceived to be culturally biased and unrepresentative of the United Nations as a whole,

Reaffirming the importance of continuing ongoing efforts to address the imbalance regarding the regional representation of the staff of the Office of the High Commissioner, most notably in senior management positions,

Noting with concern that the dependence of the Office of the High Commissioner on extrabudgetary resources is at the heart of the imbalance in the composition of its staff,

Underlining that the paramount consideration for employing staff at every level is the need for the highest standards of efficiency, competence and integrity, taking into account Article 101, paragraph 3, of the Charter of the United Nations, and expressing its conviction that this objective is compatible with the principle of equitable geographical distribution,

* Non-member State of the Human Rights Council.



Recognizing that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters,

1. *Expresses serious concern* at the fact that the imbalance in the geographical representation in the composition of the Office of the United Nations High Commissioner continues to be prominent, particularly at the senior management level;

2. *Requests* the High Commissioner, within his administrative responsibilities, to redouble his efforts with a view to having redressed the current imbalance in the geographical composition of the staff of the Office, despite the budgetary contingency, and to establish specific and public targets and deadlines to be achieved;

3. *Also requests* the High Commissioner to work on attaining the broadest geographical diversity of his staff by strengthening the measures aimed at achieving a better representation of countries and regions that are unrepresented or underrepresented, particularly from the developing world, while considering applying a cap on the representation of countries and regions already overrepresented in the Office of the High Commissioner;

4. *Further requests* the High Commissioner to implement and promote further measures to eliminate the current imbalance in the geographical composition of the staff of the Office of the High Commissioner, taking particular measures to tackle the imbalance in the number of posts not subject to geographical distribution;

5. *Welcomes* the efforts made towards the achievement of a gender balance in the composition of the staff and the decision to continue to pay special attention to this issue;

6. *Underlines* the importance of continuing to promote geographical diversity in recruitment and promotion in the Professional category and, in particular, in senior management positions as a principle of the staffing policies of the Office of the High Commissioner;

7. *Recognizes* that efforts to achieve savings and the efficient utilization of resources should not adversely affect the full implementation of mandated programmes and activities and the measures taken for improving the geographical composition of the staff;

8. *Reaffirms* the vital importance of geographical balance in the composition of the staff of the Office of the High Commissioner, taking into account the significance of national and regional specificities and various historic, cultural and religious backgrounds and of different political, economic and legal systems to the promotion and protection of the universality of human rights;

9. *Recalls* the provisions contained in section IX, paragraph 2, of General Assembly resolution 63/250 of 24 December 2008, on human resources management, in which the Assembly requested the Secretary-General to ensure as wide a geographical distribution of staff as possible in all departments, offices and levels, including the Director level and higher levels, of the Secretariat;

10. *Underlines* the priority importance with which the General Assembly should continue to provide support and guidance to the High Commissioner in the ongoing process of improving the geographical balance in the composition of the staff of the Office of the High Commissioner;

11. *Stresses* that extrabudgetary resources, in particular when they are related to the establishment of new posts, shall be used in a manner consistent with the mandates, programmes and activities of the Organization, including the principle of equitable geographical distribution of the staff, and in compliance with the existing budgetary rules and regulations;

12. *Requests* the High Commissioner to continue to improve his interaction with Member States, including within the framework of President's statements PRST/15/2 of 1 October 2010, PRST/18/2 of 30 September 2011 and PRST/19/1 of 22 March 2012, and giving particular attention to the composition of the staff;

13. *Requests* the High Commissioner to submit a comprehensive and updated report to the Human Rights Council at its thirty-six session with a special focus on further measures taken to correct the imbalance in the geographical composition of the staff of the Office of the High Commissioner;

14. *Decides* to remain seized of the matter.



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Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Bolivia (Plurinational State of), Cuba, Ecuador, Namibia, Nicaragua,* South Africa,
Venezuela (Bolivarian Republic of), Viet Nam, State of Palestine: draft resolution

31/... The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and other relevant international human rights instruments,

Reaffirming all resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the effects of structural adjustment and economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, the latest being Council resolution 28/8 of 26 March 2015,

Reaffirming also its resolutions 25/9 of 27 March 2014 and 28/5 of 26 March 2015,

Reaffirming further its resolution S-10/1 of 23 February 2009 on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Stressing that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Emphasizing that the World Conference on Human Rights agreed to call upon the international community to make all efforts to help to alleviate the external debt burden of

* Non-member State of the Human Rights Council.



developing countries in order to supplement the efforts of the Governments of such countries to attain the full realization of the economic, social and cultural rights of their people,

Mindful of the role, mandate and activities of other United Nations agencies, funds and programmes in dealing with the issues of foreign debt and international financial obligations,

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries, in particular the least developed countries, is unsustainable and constitutes one of the principal obstacles to achieving progress in people-centred sustainable development and poverty eradication and that, for many developing countries and countries with economies in transition, excessive debt servicing has severely constrained their capacity to promote social development and to provide basic services to create the conditions for the realization of economic, social and cultural rights,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Recognizing the sovereign right of any State to restructure its sovereign debt, which should not be frustrated or impeded by any measure emanating from another State,

Emphasizing that inequality often contributes to social exclusion and the marginalization of certain groups and individuals,

Recognizing that inequality may contribute to the occurrence of financial crises, which in turn exacerbate inequality and adversely affect human rights,

Acknowledging that financial and economic crises generally have enormous distributional consequences and that such crises and the austerity measures adopted in response to them may also have, according to the circumstances, a robust negative social impact that, in turn, perpetuates or exacerbates inequality,

Acknowledging also that a world financial and economic crisis is still threatening debt sustainability in some developing countries through, inter alia, its impact on the real economy and the increase in borrowing undertaken in order to mitigate the negative impacts of the crisis and that the austerity measures adopted in response to that crisis have had a robust social impact that has perpetuated or exacerbated inequality,

Recognizing that illicit financial flows, including tax evasion by high-net-worth individuals, commercial tax evasion through trade misinvoicing and tax avoidance by transnational corporations, contribute to the build-up of unsustainable debt as Governments lacking domestic revenue may resort to external borrowing,

Affirming that the debt burden further complicates the numerous problems facing developing countries, contributes to extreme poverty and is an obstacle to sustainable human development, and is thus a serious impediment to the realization of all human rights, in particular the right to development,

1. *Takes note with appreciation* of the reports of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights,¹ and welcomes the work and contributions of the Independent Expert;

¹ A/HRC/31/60 and A/HRC/31/61.

2. *Recalls* that every State has the primary responsibility to promote the economic, social and cultural development of its people and, to that end, has the right and responsibility to choose its means and goals of development and should not be subject to external specific prescriptions for economic policy;

3. *Recognizes* that structural adjustment reform programmes and policy conditionalities limit public expenditure, impose fixed expenditure ceilings and give inadequate attention to the provision of social services, and that only a few countries manage to achieve sustainable higher growth under these programmes;

4. *Reaffirms* the fact that responses to the global financial and economic crises should not result in a decrease in debt relief, nor should they be used as an excuse to stop debt relief measures, as that would have negative implications for the enjoyment of human rights in affected countries;

5. *Urges* States, international organizations and financial institutions to implement urgently financial market reforms in order to combat and prevent financial instability, excessive debt and financial crises;

6. *Expresses its concern* that the level to which the overall debt stock under the enhanced Heavily Indebted Poor Countries Initiative is still low, that the Initiative is not intended to offer a comprehensive solution to the long-term debt burden and that some of the countries that have received debt relief are again at high risk of debt distress;

7. *Reiterates its conviction* that, for heavily indebted poor countries to achieve debt sustainability, long-term growth and poverty reduction goals, the debt relief under the above-mentioned initiative will not be sufficient and that additional resource transfers, in the form of grants and concessional loans and the removal of trade barriers and better prices for their exports, would be required to ensure sustainability and permanent exit from debt overhang;

8. *Regrets* the absence of mechanisms to find appropriate solutions to the unsustainable foreign debt burden of low- and middle-income heavily indebted countries, and that, to date, little headway has been made in redressing the unfairness of the current system of debt resolution, which continues to place the interests of the lenders above those of indebted countries and the poor in those countries, and therefore calls for an intensification of efforts to devise effective and equitable mechanisms to cancel or reduce substantially the foreign debt burden of all developing countries, in particular those severely affected by the devastation of natural disasters, such as tsunamis and hurricanes, and by armed conflicts;

9. *Acknowledges* that, in least developed countries and in several low- and middle-income countries, unsustainable levels of external debt continue to create a considerable barrier to economic and social development;

10. *Recognizes* that debt relief can play a key role in liberating resources that should be directed towards activities consistent with attaining sustainable growth and development, including poverty reduction and the achievement of the 2030 Agenda for Sustainable Development,² and therefore that debt relief measures, where appropriate, should be pursued vigorously and expeditiously, ensuring that they do not replace alternative sources of financing and that they are accompanied by an increase in official development assistance;

² General Assembly resolution 70/1.

11. *Calls for* consistent public spending policies that ensure full compliance with the human rights obligations of States and for those policies to take into account the fact that the human rights of the poorest and most vulnerable must be respected, protected and fulfilled;

12. *Recalls once again* the call on industrialized countries to implement the enhanced programme of debt relief without further delay and to agree to cancel all the official bilateral debt of those countries in return for their making demonstrable commitments to poverty reduction;

13. *Urges* the international community, including the United Nations system, the Bretton Woods institutions and the private sector, to take appropriate measures and actions for the implementation of the pledges, commitments, agreements and decisions of major United Nations conferences and summits, including the Millennium Summit, the World Conference on Human Rights, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the World Conference on Sustainable Development and the International Conference on Financing for Development, in particular those relating to the question of the external debt problem of developing countries, in particular of heavily indebted poor countries, least developed countries and countries with economies in transition;

14. *Recalls* the pledge contained in the Political Declaration annexed to General Assembly resolution S-24/2, adopted on 1 July 2000 by the Assembly, to find effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing burdens of developing countries;

15. *Stresses* the need for the economic reform programmes arising from foreign debt to be country-driven and for any negotiations and conclusion of debt relief and new loan agreements to be formulated with public knowledge and transparency, with legislative frameworks, institutional arrangements and mechanisms for consultation being established to ensure the effective participation of all components of society, including people's legislative bodies and human rights institutions, and particularly of the most vulnerable or disadvantaged, in the design, application and evaluation of strategies, policies and programmes, as well as in the follow-up to and systematic national supervision of their implementation, and for macroeconomic and financial policy issues to be integrated, on an equal footing and in a consistent way, in the realization of broader social development goals, taking into account the national context and the priorities and needs of the debtor countries to allocate resources in a way that ensures balanced development conducive to the overall realization of human rights;

16. *Also stresses* that the economic reform programmes arising from foreign debt should maximize the policy space of developing countries in pursuing their national development efforts, taking into account the views of relevant stakeholders in a way that ensures balanced development conducive to the overall realization of all human rights;

17. *Further stresses* that the economic programmes arising from foreign debt relief and cancellation must not reproduce past structural adjustment policies that have not worked, such as dogmatic demands for privatization and reduced public services;

18. *Calls upon* States, the International Monetary Fund and the World Bank to continue to cooperate closely to ensure that additional resources made available through the Heavily Indebted Poor Countries Initiative, the Global Fund to Fight AIDS, Tuberculosis and Malaria and other new initiatives are absorbed in the recipient countries without affecting ongoing programmes;

19. *Calls upon* creditors, particularly international financial institutions, and debtors alike to consider the preparation of human rights impact assessments with regard to development projects, loan agreements or poverty reduction strategy papers;

20. *Reaffirms* the fact that the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment policies, growth programmes and economic reforms arising from the debt;

21. *Urges* States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by HIV/AIDS so that more financial resources may be released and used for health care, research and treatment of the population in the affected countries;

22. *Reiterates* its view that, in order to find a durable solution to the debt problem and for the consideration of any new debt resolution mechanism, there is a need for a broad political dialogue between creditor and debtor countries and the multilateral financial institutions, within the United Nations system, based on the principle of shared interests and responsibilities;

23. *Encourages* States to explore further avenues for reforming parts of their legal systems with a view to developing a more equitable taxation system;

24. *Also encourages* States to continue to consider improved approaches to restructuring sovereign debt, taking into account the Basic Principles on Sovereign Debt Restructuring Processes and the work carried out by international financial institutions, in accordance with their respective mandates;

25. *Reiterates* its request to the United Nations High Commissioner for Human Rights to pay more attention to the problem of the debt burden of developing countries, in particular of least developed countries, and especially the social impact of the measures arising from foreign debt;

26. *Requests* the Independent Expert to continue to explore the interlinkages with trade and other issues, including HIV/AIDS, when examining the impact of structural adjustment and foreign debt, and also to contribute, as appropriate, to the process entrusted with the follow-up to the International Conference on Financing for Development with a view to bringing to its attention the issue of the effects of structural adjustment and foreign debt on the enjoyment of human rights, particularly economic, social and cultural rights;

27. *Encourages* the Independent Expert to continue to cooperate, in accordance with his mandate, with the Committee on Economic, Social and Cultural Rights, special rapporteurs, independent experts and members of the expert working groups of the Human Rights Council and its Advisory Committee on issues relating to economic, social and cultural rights and the right to development in his work;

28. *Requests* the Independent Expert to report to the General Assembly on the issue of the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;

29. *Requests* the Secretary-General to provide the Independent Expert with all necessary assistance, in particular all the staff and resources required to carry out his functions;

30. *Urges* Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the Independent Expert in the discharge of the mandate;

31. *Requests* the Independent Expert to submit a report on the implementation of the present resolution to the Human Rights Council at its thirty-fourth session;

32. *Decides* to continue its consideration of this matter at its thirty-fourth session under the same agenda item.



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Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Bolivia (Plurinational State of), Cuba, Ecuador, Egypt,* Honduras,* Malaysia,*
Namibia, Nicaragua,* Paraguay, Peru,* Philippines, State of Palestine,* Venezuela
(Bolivarian Republic of), Viet Nam: draft resolution

31/... Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

*Recalling the Universal Declaration of Human Rights, the International Covenant on
Economic, Social and Cultural Rights, the International Covenant on Civil and Political
Rights, the Vienna Declaration and Programme of Action and all other relevant human
rights instruments,*

*Recalling also all relevant resolutions of the General Assembly, the Commission on
Human Rights and the Human Rights Council, including Assembly resolutions 64/81 of 7
December 2009 and 64/174 of 18 December 2009, and Council resolutions 10/23 of 26
March 2009, 14/9 of 18 June 2010, 17/15 of 17 June 2011, 19/6 of 22 March 2012, 20/11 of
5 July 2012, 23/10 of 13 June 2013, 25/19 of 28 March 2014 and 28/9 of 26 March 2015,*

*Noting the declarations within the United Nations system on cultural diversity and
international cultural cooperation, in particular the Declaration of the Principles of
International Cultural Cooperation and the Universal Declaration on Cultural Diversity,
adopted by the General Conference of the United Nations Educational, Scientific and
Cultural Organization in 1966 and 2001, respectively,*

*Welcoming the increasing number of States parties to the Convention on the
Protection and Promotion of the Diversity of Cultural Expressions, adopted by the General
Conference of the United Nations Educational, Scientific and Cultural Organization on
20 October 2005 and that entered into force on 18 March 2007,*

* Non-member State of the Human Rights Council.



Convinced that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on an understanding of the economic, social and cultural specificities of each country and the full realization and recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

Recognizing that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

Determined to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent;
2. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;
3. *Reaffirms* that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;
4. *Recalls* that, as expressed in the Universal Declaration on Cultural Diversity, no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope;
5. *Reaffirms* that States have the responsibility to promote and protect cultural rights, and that these rights should be guaranteed for all, without discrimination;
6. *Recognizes* that respect for the cultural diversity and cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural heritage and background, advancing the application and enjoyment of human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;
7. *Also recognizes* that respect for cultural rights is essential for development, peace and the eradication of poverty, building social cohesion and the promotion of mutual respect, tolerance and understanding between individuals and groups, in all their diversity;
8. *Emphasizes* that the universal promotion and protection of human rights, including cultural rights, and respect for cultural diversity should reinforce each other;
9. *Takes note* of the report of the Special Rapporteur in the field of cultural rights to the Human Rights Council¹ and, in particular, of her intention to submit to the General Assembly at its seventy-first session a final study on the intentional destruction of cultural heritage;
10. *Calls upon* all Governments to cooperate with and to assist the Special Rapporteur in the discharge of the mandate, to provide her with all the necessary information requested by her and to give serious consideration to responding favourably to her requests to visit their countries in order to enable her to fulfil her duties effectively;
11. *Requests* the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the Special Rapporteur;

¹ A/HRC/31/59.

12. *Requests* the Special Rapporteur to report regularly to the Human Rights Council and the General Assembly in accordance with their respective programmes of work;

13. *Decides* to continue its consideration of this matter under the same agenda item in accordance with its programme of work.

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Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Armenia,* Australia,* Austria,* Bosnia and Herzegovina,* Colombia,* Croatia,*
Denmark,* Finland,* Georgia, Honduras,* Hungary,* Iceland,* Ireland,* Italy,*
Japan,* Liechtenstein,* Luxembourg,* Malta,* Mexico, Montenegro,* Netherlands,
Norway,* Panama, Peru,* Poland,* Romania,* Senegal,* Slovakia,* Slovenia, Spain,*
Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great
Britain and Northern Ireland, United States of America:* draft resolution

**31/... Rights of persons belonging to national or ethnic, religious and
linguistic minorities**

The Human Rights Council,

Guided by the principles and purpose of the Charter of the United Nations,

*Recalling the Universal Declaration of Human Rights, the International Covenant on
Civil and Political Rights, the International Covenant on Economic, Social and Cultural
Rights, the Convention on the Rights of the Child, the International Convention on the
Elimination of All Forms of Racial Discrimination and the Declaration on the Rights of
Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by
consensus by the General Assembly by its resolution 47/135 of 18 December 1992,*

*Taking into consideration article 27 of the International Covenant on Civil and
Political Rights and other relevant existing international standards and national legislation,*

*Recalling all previous resolutions adopted by the General Assembly, the
Commission on Human Rights and the Human Rights Council on the rights of persons
belonging to national or ethnic, religious and linguistic minorities, including Assembly
resolution 70/166 of 17 December 2015, Commission resolution 2005/79 of 21 April 2005,
and Council resolutions 7/6 of 27 March 2008, 16/6 of 24 March 2011, 22/4 of 21 March
2013 and 25/5 of 27 March 2014, on the mandate of the Special Rapporteur on minority
issues,*

* Non-member State of the Human Rights Council.



Recalling also the paragraphs in the Vienna Declaration and Programme of Action and the Durban Declaration and Programme of Action relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,¹ of which the Addis Ababa Action Agenda of the Third International Conference on Financing for Development is an integral part, recalling that the Goals and targets contained in the 2030 Agenda are aimed at realizing the human rights of all, and stressing the need for Member States to integrate the 2030 Agenda into their respective national policies and development frameworks, as appropriate, to promote the effective implementation of, follow-up to and review of the 2030 Agenda, in order to ensure that no one is left behind,

Recalling the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),

Emphasizing the need for reinforced efforts to meet the goal of the full realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by addressing their economic and social conditions and marginalization, as well as to end any type of discrimination against them,

Emphasizing also the importance of recognizing and addressing multiple, aggravated and intersecting forms of discrimination against persons belonging to national or ethnic, religious and linguistic minorities and the compounded negative impact on the enjoyment of their rights,

Emphasizing further the fundamental importance of human rights education, training and learning, as well as of dialogue, including intercultural and interfaith dialogue, and interaction among all relevant stakeholders and members of society on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of society as a whole, including the sharing of best practices, such as for the promotion of mutual understanding of minority issues, managing diversity by recognizing plural identities and promoting inclusive and stable societies, as well as social cohesion therein,

Noting that 2016 marks the fiftieth anniversary of the adoption of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, affirming that the above-mentioned anniversary offers an important opportunity to reflect upon and reinforce obligations and the commitment of States to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, and taking note of the opportunity it represents to take stock of achievements, best practices and challenges with regard to the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and reaffirming the principles and commitments therein,

1. *Takes note* of the report of the Special Rapporteur on minority issues submitted to the Human Rights Council at its thirty-first regular session,² the report on the recommendations of the Forum on Minority Issues at its eighth session³ and the report of

¹ See General Assembly resolution 70/1.

² A/HRC/31/56.

³ A/HRC/31/72.

the Special Rapporteur on minority issues to the General Assembly at its seventieth session,⁴ with its special focus on minorities and the criminal justice process;

2. *Notes* the completion, in November 2015, of the eighth session of the Forum on Minority Issues, addressing the rights of persons belonging to minorities in the criminal justice system, which, through the widespread participation of stakeholders, provided an important platform for promoting dialogue on this topic, and encourages States to take into consideration the relevant recommendations of the Forum;

3. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the rights of persons belonging to national or ethnic, religious and linguistic minorities;⁵

4. *Commends* the Special Rapporteur on minority issues for the work undertaken in accordance with Human Rights Council resolution 25/5 and for the important role that she has played in raising the level of awareness of and in giving added visibility to the rights of persons belonging to national or ethnic, religious and linguistic minorities, and for her guiding role in the preparation and work of the Forum on Minority Issues, which contributes to efforts to improve cooperation among all United Nations mechanisms relating to the rights of persons belonging to minorities;

5. *Calls upon* States to undertake initiatives to ensure that persons belonging to national or ethnic, religious and linguistic minorities are aware of and able to exercise their rights as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and in other international human rights obligations and commitments, and recommends that all measures taken with a view to implementing the Declaration are, to the fullest extent possible, developed, designed, implemented and reviewed with the full, effective and equal participation of persons belonging to national or ethnic, religious and linguistic minorities;

6. *Urges* States, while bearing in mind the theme of the eighth session of the Forum on Minority Issues, and with a view to enhancing the implementation of the Declaration and to ensuring the realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including at all stages of the criminal justice process, to take appropriate measures by, inter alia:

(a) Reviewing any legislation, policy or practice that has a discriminatory or disproportionately negative effect on persons belonging to national or ethnic, religious and linguistic minorities, with a view to considering its amendment;

(b) Ensuring that all individuals within their jurisdiction enjoy their human rights throughout the criminal justice system in accordance with international human rights law, including the right to a fair trial, the right to legal assistance, the presumption of innocence and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

(c) Promoting a composition of law enforcement bodies at the local, regional and national levels that reflects the diversity of the population, including by, as appropriate, fostering the recruitment, promotion and retention of persons belonging to national or ethnic, religious and linguistic minorities, male and female, by the police, the judiciary, prosecution services and prison personnel;

⁴ A/70/212.

⁵ A/HRC/31/27.

(d) Developing awareness-raising and training initiatives, including for public officials, judges, prosecutors and law enforcement officials, on the rights of persons belonging to minorities and impartial and non-discriminatory application of the law;

(e) Promoting access to mechanisms with the mandate and technical capacity to receive and consider complaints of discrimination, inter alia, against persons belonging to national or ethnic, religious and linguistic minorities in the criminal justice system;

(f) Removing obstacles that prevent persons belonging to national or ethnic, religious and linguistic minorities, including the most vulnerable within the community, such as women, children, persons with disabilities, older persons, those living in conditions of extreme poverty and minorities affected by conflict and/or displacement, from reporting a violation of their rights or accessing formal justice;

(g) Taking adequate measures to address the overrepresentation of persons belonging to national or ethnic, religious and linguistic minorities in pretrial detention or prison;

(h) Working towards detention or imprisonment conditions that take into consideration the needs of prisoners belonging to national or ethnic, religious and linguistic minorities;

7. *Invites* national human rights institutions, civil society organizations and other relevant stakeholders to regularly engage with Governments to contribute to the eradication of discriminatory practices by law enforcement agencies and/or the judiciary;

8. *Invites* international and regional organizations to continue to give attention, to the situations and rights of persons belonging to national or ethnic, religious and linguistic minorities and, in this regard, to take into consideration relevant recommendations of the Forum on minority issues;

9. *Welcomes* the inter-agency cooperation among United Nations agencies, funds and programmes on minority issues, led by the Office of the United Nations High Commissioner for Human Rights, and urges them to further increase their coordination and cooperation by, inter alia, developing policies on the promotion and protection of the rights of persons belonging to minorities, drawing also on relevant outcomes of the Forum and taking into account the work of relevant regional organizations;

10. *Takes note* in particular, in this regard, of the initiatives and activities of the United Nations network on racial discrimination and protection of minorities, coordinated by the Office of the High Commissioner and aimed at enhancing dialogue and cooperation between relevant United Nations agencies, funds and programmes, and invites the network to continue to cooperate with the Special Rapporteur on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and to consult and engage with persons belonging to national or ethnic, religious and linguistic minorities and civil society actors;

11. *Requests* the High Commissioner to continue to present an annual report to the Human Rights Council containing information on relevant developments of United Nations human rights bodies and mechanisms, as well as on the activities undertaken by the Office of the High Commissioner at headquarters and in the field that contribute to the promotion of and respect for the provisions of the Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities;

12. *Requests* the Secretary-General and the High Commissioner to continue to provide all the human, technical and financial assistance necessary for the effective fulfilment of the mandate of the Special Rapporteur on minority issues and for the activities

of the Office of the High Commissioner in the area of rights of persons belonging to national or ethnic, religious and linguistic minorities;

13. *Decides* to continue its consideration of this issue in accordance with its programme of work.



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Human Rights Council

Thirty-first session

Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Albania, Angola,* Argentina,* Australia,* Austria,* Azerbaijan,* Belgium, Bosnia and Herzegovina,* Botswana, Bulgaria,* Canada,* Chile,* Colombia,* Congo, Croatia,* Cyprus,* Czech Republic,* Denmark,* Djibouti,* Estonia,* Ethiopia, Fiji,* Finland,* France, Georgia, Germany, Greece,* Honduras,* Hungary,* Iceland,* Ireland,* Israel,* Italy,* Latvia, Lebanon,* Libya,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Mexico, Montenegro,* Namibia, Netherlands, New Zealand,* Norway,* Panama, Paraguay, Peru,* Philippines, Poland,* Portugal, Republic of Korea, Republic of Moldova,* Romania,* Senegal,* Serbia,* Slovakia,* Slovenia, South Africa, Spain,* Sudan,* Sweden,* Thailand,* the former Yugoslav Republic of Macedonia, Togo, Tunisia,* Turkey,* Ukraine,* United Kingdom of Great Britain and Northern Ireland, United States of America,* Uruguay,* Yemen:* draft resolution

31/... The role of good governance in the promotion and protection of human rights

The Human Rights Council,

Guided by the Universal Declaration of Human Rights as a common standard of achievement of all peoples and all nations, and also the Vienna Declaration and Programme of Action, which affirmed that all human rights are universal, indivisible, interdependent and interrelated,

Recalling Human Rights Council resolutions 7/11 of 27 March 2008, 19/20 of 23 March 2012, and 25/8 of 27 March 2014, and all other resolutions relevant to the role of good governance in the promotion of human rights, as well as the United Nations Millennium Declaration,

Welcoming the resolve of States parties to the United Nations Convention against Corruption, and the commitment made by all States in the 2005 World Summit Outcome to make the fight against corruption a priority at all levels, and noting with interest the

* Non-member State of the Human Rights Council.



provisions of the Convention that have led to the development of a mechanism among States parties to review their progress in combating corruption,

Noting the ongoing work by several important initiatives towards the deepening of good governance practices at the national, regional and international levels,

Recognizing the importance of a conducive environment, at both the national and international levels, for the full enjoyment of human rights and fundamental freedoms and of the mutually reinforcing relationship between good governance and human rights,

Recognizing also that transparent, responsible, accountable, open and participatory government, responsive to the needs and aspirations of the people, is the foundation on which good governance rests, and that such a foundation is one of the indispensable conditions for the full realization of human rights, including the right to development,

Stressing that good governance at the national and international levels is essential for sustained economic growth, sustainable development and the eradication of poverty and hunger, and in this context reaffirming the Millennium Declaration, the 2005 World Summit Outcome, the outcome of the 2010 High-level Summit on the Millennium Development Goals and the 2030 Agenda for Sustainable Development,¹

Recognizing the increasing awareness in the international community of the detrimental impact of widespread corruption on human rights through both the weakening of institutions and the erosion of public trust in government, as well as through the impairment of the ability of Governments to fulfil all their human rights obligations,

Acknowledging that good governance has a central role in the promotion and protection of human rights, and in preventing and combating corruption at all levels,

Realizing that the fight against corruption at all levels plays an important role in the promotion and protection of human rights and in the process of creating an environment conducive to their full enjoyment,

Recognizing that effective anti-corruption measures and the protection of human rights, including by strengthening transparency and accountability in government, are mutually reinforcing,

Noting with interest the outcomes of the third, fourth, fifth and sixth sessions of the Conference of the States Parties to the United Nations Convention against Corruption, held in Doha in 2009, in Marrakech, Morocco, in 2011, in Panama City, in 2013, and in Saint Petersburg, Russian Federation, in 2015,

Stressing the importance of policy coherence and coordination in intergovernmental processes in the area of the promotion and protection of human rights, on the one hand, and of anti-corruption initiatives, on the other,

Stressing also the importance of developing and implementing national legislation on the promotion of access to information and of strengthening the administration of justice, transparency, accountability and good governance at all levels,

Reaffirming the right of every citizen to have access, in general terms of equality, to public service in his or her country as enshrined in article 21 of the Universal Declaration of Human Rights and article 25 (c) of the International Covenant on Civil and Political Rights,

¹ General Assembly resolution 70/1.

Recognizing that a professional, accountable and transparent public service upholding the highest standards of efficiency, competence and integrity is one of the essential components of good governance,

Recognizing also that the knowledge, training and awareness of public servants, as well as the promotion of a human rights culture within the public service, play a vital role in promoting respect for and the realization of human rights in society,

Welcoming the contribution of the United Nations Public Service Awards programme, which recognizes excellence in public service to the promotion of the role, professionalism and visibility of public service, and noting its review to align it with the 2030 Agenda for Sustainable Development,

Welcoming also the 2030 Agenda for Sustainable Development, including its recognition of the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights, including the right to development, on effective rule of law and good governance at all levels, and on transparent, effective and accountable institutions,

Taking into account the ongoing work of the United Nations system and other relevant international and regional organizations relating to the role of good governance in the promotion and protection of human rights,

1. *Welcomes* the holding by the Human Rights Council, at its thirtieth session, of a panel discussion on a human rights-based approach to good governance in the public service;²
2. *Also welcomes* the publication by the United Nations High Commissioner for Human Rights of the summary report on the panel discussion on a human rights-based approach to good governance in the public service;²
3. *Further welcomes* the growing trend towards the universal ratification of the United Nations Convention against Corruption, and encourages States that have not yet ratified this important international instrument to consider doing so;
4. *Welcomes* the commitments made by all States in the 2030 Agenda for Sustainable Development with regard to good governance in the promotion and protection of human rights, including in Sustainable Development Goal 16;
5. *Underlines* that the primary responsibility lies with States at the national level, including through their constitutional provisions and other enabling legislation, consistent with their international obligations, to ensure that professional public services uphold the highest standards of efficiency, competence and integrity, and are predicated on good governance principles, including impartiality, rule of law, transparency, accountability and combating corruption, and stresses the importance of human rights training and education in this regard;
6. *Invites* the Secretary-General to ensure the upholding of the integrity of the United Nations system in its service of humanity, and improved coordination between United Nations agencies, programmes and funds, with a view to ensuring that the United Nations system continues to improve the quality of its work at all levels, including in support of objectives and priorities at the national level;

² See A/HRC/31/28.

7. *Encourages* the relevant mechanisms of the Human Rights Council to continue to consider, within their respective mandates, the issue of the role of good governance in the promotion and protection of human rights;

8. *Requests* the High Commissioner to prepare a compilation of the activities and programmes of the United Nations system that contribute to the role of good governance in the promotion and protection of human rights, including its efforts to support States in the implementation of the 2030 Agenda for Sustainable Development in this context, and to submit it to the Human Rights Council at its thirty-fourth session;

9. *Decides* to remain seized of the matter.



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Thirty-first session

Agenda item 10

Technical assistance and capacity-building

Ecuador, France, Italy,* Malta,* Netherlands, Poland,* Slovakia,* South Africa (on behalf of the Group of African States), United Kingdom of Great Britain and Northern Ireland: draft resolution

31/... Technical assistance and capacity-building to improve human rights in Libya

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and relevant international human rights treaties,

Confirming the primary responsibility of States to promote and protect human rights,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Libya,

Looking forward to a future for Libya based on national reconciliation, justice, respect for human rights and the rule of law,

Recalling all previous relevant Human Rights Council resolutions on Libya,

Reaffirming that those responsible for violations or abuses of human rights, violations of international humanitarian law and who commit acts of terrorism should be held accountable, and that counter-terrorism measures must be consistent with applicable international law,

Expressing concern about the impact of the security and political crisis and of terrorism on the people of Libya, including loss of life, mass displacement and its particular impact on women and children, damage to property and infrastructure, including schools and hospitals, the use of schools as military bases and shortages of medical supplies and treatment,

* Non-member State of the Human Rights Council.



Expressing concern also about the impact of the security and political crises and of terrorism on migrants, in particular the increase in the number of deaths of migrants attempting to cross the Mediterranean,

Welcoming the Rome Communiqué of 13 December 2015, endorsed by the Security Council in its resolution 2259 (2015) of 23 December 2015, and the commitment of the participating Member States to provide technical, economic, security and counter-terrorism assistance to Libya,

Expressing full support for the efforts led by the Special Representative of the Secretary-General for Libya to facilitate a Libyan-led political solution to the challenges facing Libya,

Underscoring the importance of the equal and full participation of all parts of Libyan society, including women and youth, in the political process,

1. *Welcomes the signing on 17 December 2015 of the Libyan Political Agreement of Skhirat, Morocco, by the majority of the Libyan delegates to the political dialogue facilitated by the United Nations, and by a wide range of representatives of Libyan society, municipal leaders and heads of political parties, as an important step towards peace and reconciliation in Libya, and welcomes the endorsement in principle of the Libyan Political Agreement by the House of Representatives on 25 January 2016;*

2. *Reiterates its support for the ongoing deliberations of the security track of the political dialogue facilitated by the United Nations to finalize security arrangements, and urges existing militias and armed groups to respect the Libyan Political Agreement of 17 December 2015;*

3. *Calls upon the Government of National Accord to fully implement the political agreement, including the security arrangements, and to make progress towards arms control and the reintegration into the community of the armed groups currently operating outside government control;*

4. *Emphasizes the importance of the Government of National Accord exercising control over, and safely storing, arms in Libya, with the support of the international community;*

5. *Condemns all violations and abuses of human rights and violations of international humanitarian law, including those involving unlawful killings, indiscriminate shelling and attacks on civilians, abductions and assassinations, including of government officials and judges, the shelling of hospitals and the looting of property;*

6. *Also condemns all violations and abuses committed against journalists, media activists and human rights defenders, especially given their role in documenting protests and human rights violations and abuses, and restrictions on freedom of expression;*

7. *Strongly urges all parties immediately to cease violations and abuses of human rights and international humanitarian law and to engage fully in support of the Government of National Accord, in order to avert further deterioration in the humanitarian crisis suffered by Libyans as a result of the conflict and to prevent the further erosion of the sovereignty and security of Libya, and urges all leaders to declare that violations and abuses of human rights by their fighters will not be tolerated and that individuals suspected of such acts will be removed from duty;*

8. *Strongly urges the Government of Libya to investigate all violations and abuses of human rights, to hold those responsible to account, and to guarantee fair trials for the accused;*

9. *Calls for* those responsible for violations or abuses of international human rights law and violations and abuses against children to be held accountable, in accordance with international standards;

10. *Calls upon* the Government of Libya to increase efforts to end impunity, and takes note of its cooperation with the International Criminal Court to ensure that those responsible for violations of human rights and international humanitarian law, including attacks targeting civilians, are held accountable;

11. *Strongly condemns* practices such as abduction, hostage-taking, incommunicado detention, abuse and killings carried out by non-State armed groups, most notably the so-called Islamic State in Iraq and the Levant (Daesh), Ansar al-Sharia and other terrorist organizations in Libya, and underlines that murder, torture and severe deprivation of physical liberty in violation of international law are predicate acts that may in certain circumstances amount to crimes against humanity, while reiterating grave concern about the negative impact of the presence of Daesh and its deadly actions in Libya, neighbouring States and the region;

12. *Calls upon* all Libyans to unite in combating terrorism in the country, and urges all Member States to actively cooperate in this regard with the Government of Libya and to provide support as requested;

13. *Expresses grave concern* at the number of conflict-related detainees, including children, and at reports of torture and sexual and gender-based violence in detention centres, and calls upon the Government urgently to establish full and effective control over all detention centres, in order to ensure that detainees, including foreign detainees, are treated in accordance with its international obligations, including, as applicable, those relating to fair trial guarantees and humane treatment in detention;

14. *Calls upon* the Government of Libya to promote, protect and respect the human rights of migrants, refugees and internally displaced persons, and to provide a framework for the engagement of the Office of the United Nations High Commissioner for Refugees in Libya;

15. *Expresses deep concern* at the deteriorating humanitarian situation in Libya, and calls upon the international community to provide financial support for the United Nations humanitarian response plan for Libya for the period 2015-2016 to address the needs of 2.4 million people;

16. *Calls for* rapid, safe and unhindered humanitarian access for United Nations humanitarian agencies, their implementing partners and other humanitarian organizations, including across conflict lines and, as appropriate, across borders, in order to ensure that humanitarian assistance reaches people in need by the most direct routes;

17. *Urges* the Libyan authorities to expedite the voluntary, safe and dignified return of all persons displaced by the conflict since 2011, in accordance with applicable law;

18. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation, and calls upon all parties to fully respect international law;

19. *Recognizes* the security, political and economic challenges faced by the Government of Libya, which have been exacerbated by armed conflict;

20. *Urges* the Government of Libya, the international community, the United Nations and all parties to the conflict to facilitate the full, equal and effective participation of women in activities relating to the prevention and resolution of the armed conflict, the maintenance of peace and security and post-conflict peacebuilding, in line with relevant Security Council resolutions, including resolutions 1325 (2000) and 2122 (2013);

21. *Urges* the Libyan Constitutional Assembly to intensify its efforts to complete a draft constitution that protects the human rights of all, including women and members of all communities and people living under vulnerable conditions, and to ensure the participation of all members of society, including civil society organizations, as far as possible, in the process of drafting the constitution;

22. *Emphasizes* the importance of ensuring a peaceful, inclusive and sustainable democratic transition through a broad-based and inclusive national dialogue and that, in the context of an inclusive and credible dialogue, the Libyan people should determine the appropriate process and mechanisms for achieving justice, reconciliation, truth and accountability for gross violations and abuses committed since 2011 and under the former regime, as well as reparations and effective remedies for victims;

23. *Recognizes* the ongoing human rights challenges in Libya, strongly encourages the Government of Libya to increase its efforts to protect and promote human rights and prevent any violations or abuses, and in this regard calls upon the international community to provide assistance for Libyan efforts to establish the rule of law, due process and access to justice, including through capacity-building in the justice system to enable effective accountability;

24. *Also recognizes* the efforts made by States in tracing, freezing and recovering stolen assets, and the importance of effective cooperation between the international community and the Libyan authorities in this regard, taking into account the potential contribution of these assets to improving security, development and the protection of human rights in Libya;

25. *Welcomes* the successful completion by Libya of, and its constructive engagement with, the universal periodic review in its two first cycles, and looks forward to the implementation of the accepted recommendations;

26. *Also welcomes* the open invitation that the Government of Libya has extended to all special procedures and looks forward to the visits of mandate holders to the country;

27. *Further welcomes* the commitment of the Government of Libya to human rights and its continued cooperation with the Human Rights Council and its mechanisms, including the wish expressed by the Government to continue its cooperation with the United Nations High Commissioner for Human Rights, and to renew its invitation for him to visit Libya, and urges the Government:

(a) To intensify efforts to prevent acts of torture, to investigate all allegations of torture, to hold those responsible to account, and to consider providing fair and adequate compensation for victims;

(b) To take immediate steps to protect freedom of expression, ensuring that the media can operate freely and without discrimination, to review the provisions of the Penal Code and other provisions that violate freedom of expression, and to abolish all Penal Code restrictions on free speech that stipulate imprisonment and the death penalty for "insults" to officials, the judiciary and the State for "slander" and for blasphemy;

(c) To make further progress towards the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(d) To promote the continued operation of the National Council for Civil Liberties and Human Rights, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);

(e) To further empower women and girls, including by ensuring their full representation in politics, the police and the judiciary;

(f) To ensure the protection of cultural rights and freedom of religion and belief, in accordance with its international obligations;

(g) To take appropriate steps to help to prevent all attacks on and destruction of cultural and religious sites in violation of international law, particularly sites on the World Cultural and Natural Heritage List of the United Nations Educational, Scientific and Cultural Organization, and to prosecute those responsible for such attacks;

(h) To take further steps to guarantee freedom of association and peaceful assembly, including by reviewing the articles of the Penal Code that undermine freedom of association and by adopting a law for civil society organizations that is in accordance with international standards on freedom of association, that ensures the protection of human rights defenders and that includes only legal limitations that comply with the international treaty obligations of Libya;

28. *Takes note* of the final report of the international commission of inquiry on Libya,¹ and encourages the Government of Libya to implement fully the recommendations contained therein;

29. *Underlines* the importance of, and the commitment of the Government of Libya to, continued human rights monitoring, assessment and evaluation in order to determine effective human rights technical assistance and capacity-building measures;

30. *Takes note with appreciation* in this regard of the report of the Office of the United Nations High Commissioner for Human Rights on the investigation by the Office on Libya presented to the Human Rights Council at its thirty-first session on violations and abuses of international human rights law that have been committed in Libya since the beginning of 2014, which reported the facts and circumstances of such abuses and violations, with a view to avoiding impunity and ensuring full accountability;

31. *Urges* the Government of Libya to implement the recommendations addressed to it in the above-mentioned report, in particular those relating to the justice sector, transitional justice and criminal justice accountability measures;

32. *Requests* the Office of the High Commissioner to continue its close engagement with the United Nations Support Mission in Libya in order to provide coordinated human rights technical assistance to the Government of Libya;

33. *Requests* the High Commissioner to present an oral update to the Council at its thirty-third session during an interactive dialogue, with the participation of the Special Representative of the Secretary-General for Libya, on the human rights situation in Libya, including steps taken by the Government of Libya towards ensuring accountability for human rights violations and abuses, in line with the present resolution, and the contribution and effectiveness of technical assistance to this end;

34. *Also requests* the High Commissioner to present a written report to the Council at its thirty-fourth session during an interactive dialogue on the human rights situation in Libya, including on the effectiveness of technical assistance and capacity-building measures received by the Government of Libya, and an assessment of further technical support or assistance needed to implement the present resolution and the recommendations contained in the report of the Office of the High Commissioner on the investigation by the Office on Libya to address the human rights situation in Libya;

¹ A/HRC/19/68.

35. *Urges* the international community to support the Government of Libya in promoting and protecting the human rights of the Libyan people.
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Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Australia,* Austria,* Belgium, Bulgaria,* Canada,* Costa Rica,* Czech Republic,*
Denmark,* Estonia,* Finland,* France, Georgia, Ghana, Honduras,* Hungary,*
Iceland,* Ireland,* Israel,* Italy,* Latvia, Liechtenstein,* Lithuania,* Luxembourg,*
Malta,* Montenegro,* New Zealand,* Norway,* Paraguay, Peru,* Poland,* Republic
of Moldova,* Romania,* Slovakia,* Spain,* State of Palestine,* Switzerland, Tunisia,*
Turkey,* Ukraine,* United Kingdom of Great Britain and Northern Ireland, United
States of America:* draft resolution

**31/... The promotion and protection of human rights in the context of
peaceful protests**

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

*Reaffirming also the Universal Declaration of Human Rights, and recalling the
International Covenant on Civil and Political Rights and the International Covenant on
Economic, Social and Cultural Rights, and other relevant international and regional human
rights treaties,*

Recalling the Vienna Declaration and Programme of Action,

*Recalling also its decision 17/120 of 17 June 2011 and its resolutions 19/35 of 23
March 2012, 22/10 of 21 March 2013 and 25/38 of 28 March 2014, on the promotion and
protection of human rights in the context of peaceful protests,*

1. *Calls upon* all States to promote a safe and enabling environment for
individuals and groups to exercise their rights to freedom of peaceful assembly, of
expression and of association, recalls that all States have the responsibility in all
circumstances, including in the context of peaceful protests, to promote, respect and protect
human rights and to prevent human rights violations, including extrajudicial, summary or
arbitrary executions, arbitrary arrest and detention, enforced disappearances, torture and
other cruel, inhuman or degrading treatment or punishment, and sexual violence, and calls

* Non-member State of the Human Rights Council.

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upon States to avoid the abuse of criminal and civil proceedings or threats of such acts at all times;

2. *Underlines* the necessity to address the management of assemblies, including peaceful protests, so as to contribute to their peaceful conduct, and to prevent loss of life of and injuries to protesters, bystanders, those monitoring such protests and officials exercising law enforcement duties, as well as any human rights violation or abuse, to ensure accountability for such violations and abuses and to provide victims with access to a remedy and redress;

3. *Takes note with appreciation* of the compilation of practical recommendations for the proper management of assemblies based on best practices and lessons learned prepared by the Special Rapporteur on the rights to freedom of peaceful assembly and association and the Special Rapporteur on extrajudicial, summary or arbitrary executions,¹ in which they provide an analysis of the human rights involved before, during and after an assembly, including the rights to freedom of peaceful assembly, of expression, of association, and of religion or belief, the right to participation in the conduct of public affairs, the right to life, liberty and security of person, the right to be free from torture and cruel, inhuman or degrading treatment or punishment, as well as the right to an effective remedy for all human rights violations, and the respect for human dignity, bodily integrity, and privacy;

4. *Strongly encourages* all States to give due consideration to Human Rights Council resolution 25/38 and to the compilation of practical recommendations for the proper management of assemblies based on best practices and lessons learned prepared by the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions, which provides useful guidance to States on how to fulfil their obligations and commitments to promote and protect human rights in such contexts, including peaceful protests, as well as how to operationalize them in their domestic laws, procedures and practices;

5. *Reaffirms* that all States must ensure that their domestic legislation and procedures relating to the rights to freedom of peaceful assembly, of expression and of association and to the use of force in the context of law enforcement are in conformity with their international obligations and commitments and effectively implemented, and must provide proper training for officials exercising law enforcement duties, including in the use of protective equipment and of less-lethal weapons;

6. *Encourages* all States to engage at the national and regional levels with relevant stakeholders, including assembly organizers, human rights defenders, civil society actors, national human rights institutions, as well as business enterprises and regional human rights mechanisms, on the management of assemblies, including, as appropriate, any follow-up to the compilation of practical recommendations;

7. *Stresses* the importance of international cooperation in support of national efforts for the promotion and protection of human rights and fundamental freedoms in the context of assemblies in order to raise the capacities of law enforcement agencies to deal with such assemblies in a manner that conforms to their international human rights obligations and commitments;

8. *Invites* States to seek relevant technical assistance, including from the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and from other specialized agencies where appropriate, from relevant

¹ A/HRC/31/66.

special procedures of the Human Rights Council and from regional human rights mechanisms;

9. *Invites* all States to consider making recommendations, as appropriate, to States under review, in the context of the universal periodic review, on the management of assemblies and the promotion and protection of human rights in such contexts;

10. *Encourages* the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on extrajudicial, summary or arbitrary executions and other relevant special procedures of the Human Rights Council, as appropriate, in the framework of their mandates, to continue to address in their work, the management of assemblies and the promotion and protection of human rights in such contexts;

11. *Decides* to remain seized of the matter.



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Human Rights Council

Thirty-first session

Agenda item 10

Technical assistance and capacity-building

Austria,* France, Germany, New Zealand,* Poland,* Slovakia,* South Africa (on behalf of the Group of African States): draft resolution

31/... Technical assistance and capacity-building for Mali in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also its resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council, both of 18 June 2007,

Recalling further its resolutions 20/17 of 6 July 2012 on the situation of human rights in Mali, 22/18 of 21 March 2013, in which it established a mandate for an independent expert on the situation of human rights in Mali, and 25/36 of 28 March 2014, in which it extended the mandate of the Independent Expert,

Reaffirming that all States have a responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the international covenants on human rights and other relevant international human rights instruments to which they are party,

Reaffirming also its commitment to the sovereignty, independence, unity and territorial integrity of Mali,

Deeply concerned about the establishment of terrorist groups in the Sahel region, about continued armed attacks in the north and about the spread of terrorist and other criminal activities in the central and southern parts of Mali,

* Non-member State of the Human Rights Council.



Deeply concerned also about human rights violations and abuses in Mali, and about the fragile security situation and the difficulties in the redeployment of government services, which continue to hinder humanitarian access in the northern part of the country, the voluntary return of displaced people and the access of the population to basic social services,

Welcoming the signing of the Agreement on Peace and Reconciliation in Mali by all parties on 15 May and 20 June 2015, following an inclusive process led by Algeria and international mediation, and the establishment of a monitoring committee and its branches,

Welcoming also the progress made and actions taken by the Government of Mali on all aspects of the Agreement, including the establishment of a national committee for implementation,

Encouraging the presentation by the Government of Mali of an action plan for the implementation of the Agreement, with a precise timetable,

Welcoming the holding of and the commitments made at the international conference for the economic recovery and development of Mali, held on 22 October 2015 in Paris, which contributed to keeping the international community mobilized for the implementation of the Agreement and the development of the northern regions of Mali,

Noting the commitments made by the Government of Mali during various sessions of the Council to place priority on dialogue and national reconciliation in resolving the crisis,

Noting also the commitments made by the Government of Mali to restore the rule of law and to combat impunity effectively,

Noting further the initiation in January 2013 of an investigation by the Prosecutor of the International Criminal Court into crimes committed on the territory of Mali since January 2012, noting the transfer to the Court on 26 September 2015, in the context of this investigation, of a person suspected of war crimes, and recalling that it is important for all Malian stakeholders to lend the Court their support and cooperation,

Taking note with appreciation of the report of the Independent Expert on the situation of human rights in Mali,¹

1. *Strongly condemns* the armed attacks and all acts of violence that have been perpetrated in Mali since the beginning of the crisis, particularly in the northern regions of the country, as well as the violations and abuses of human rights and violations of international humanitarian law that have been committed, in particular against women and children, and the recruitment of the latter;

2. *Reiterates* its call for an immediate halt to all such human rights violations and abuses and acts of violence, and for the strict observance of all human rights and fundamental freedoms;

3. *Calls upon* the Government of Mali to continue and to increase its efforts to protect human rights and to promote national reconciliation, in particular by strengthening the judiciary, developing transitional justice mechanisms and effectively redeploying government services throughout the country;

4. *Calls upon* all signatories of the Agreement on Peace and Reconciliation in Mali and national reconciliation to maintain a constructive dialogue and to fully implement all provisions, including those related to disarmament, demobilization and reintegration of

¹ A/HRC/31/76.

former rebel fighters, the redeployment of Malian Armed Forces on the whole territory and decentralization;

5. *Encourages* the efforts of the Government of Mali to bring all perpetrators of human rights violations before impartial and independent courts, and its continued cooperation with the International Criminal Court;
6. *Reiterates* its call for an increase in the participation of women in the national reconciliation process, in conformity with the relevant Security Council resolutions;
7. *Welcomes* the operationalization of the Commission for Truth, Justice and Reconciliation, and encourages the Government of Mali to ensure its full independence;
8. *Encourages* the Malian authorities and all regional and international actors to continue their efforts to consolidate the progress made in the peace and security situation in Mali;
9. *Commends* in this context the United Nations Multidimensional Integrated Stabilization Mission in Mali on its work, calls for its greater involvement in the coordination operational mechanism and the cantonment process, and calls upon all parties to continue to fully coordinate their actions with the Mission, in particular for the implementation of the peace agreement;
10. *Requests* all parties to ensure their strict observance of international human rights law and international humanitarian law;
11. *Reiterates its appreciation* for the humanitarian assistance already provided to members of the population affected by the crisis, and urges the international community to continue to deliver, in consultation with the Government of Mali and the neighbouring countries concerned, appropriate and secure humanitarian assistance to refugees and displaced persons, particularly in the north of Mali, with a view to facilitating access by the population to basic social services and to establishing the conditions for the gradual recovery of the country;
12. *Notes with satisfaction* the close cooperation of the Government of Mali with the Independent Expert in the fulfilment of the mandate entrusted to him;
13. *Welcomes* the organization of free and democratic presidential and legislative elections in Mali and the full restoration of constitutional order in the country;
14. *Acknowledges* the commitments made by the Government of Mali to act upon the recommendations made by the Independent Expert following his visits to the country;
15. *Decides* to extend the mandate of the Independent Expert on the situation of human rights in Mali for a period of one year, from the thirty-first to the thirty-fourth session, to permit the evaluation of the human rights situation in Mali and to assist the Government of Mali in its efforts to promote and protect human rights and to strengthen the rule of law;
16. *Calls upon* all parties in Mali to cooperate fully with the Independent Expert and to assist him in carrying out his mandate;
17. *Requests* the Independent Expert, within the framework of his mandate, to work closely with all entities of the United Nations, the African Union, the Economic Community of West African States, neighbouring States and all other international organizations concerned, and with Malian civil society;
18. *Also requests* the Independent Expert to submit a report to the Human Rights Council at its thirty-fourth session;

19. *Decides* to hold an interactive dialogue at its thirty-fourth session in the presence of the Independent Expert and representatives of the Government of Mali, in order to assess the evolution of the situation of human rights in the country, with a particular focus on justice and reconciliation;

20. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the assistance he needs in order to discharge his mandate fully;

21. *Requests* the High Commissioner to provide technical assistance to the Government of Mali, in particular to the Commission for Truth, Justice and Reconciliation, and to work with the Government to identify other areas of assistance, with a view to supporting Mali in its efforts to promote and protect human rights and to strengthening its institutional capacity;

22. *Urges* the international community to continue to provide assistance to Mali to ensure its stability with a view to promoting respect for all human rights and the determined struggle against impunity, which paves the way for national reconciliation, peace and social cohesion;

23. *Decides* to remain seized of this matter.



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Human Rights Council

Thirty-first session

Agenda item 10

Technical assistance and capacity-building

France, Germany, New Zealand,^{*} South Africa (on behalf of the Group of African States), Spain:[†] draft resolution

31/... Strengthening technical cooperation and advisory services for Guinea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant instruments on human rights,

Recalling General Assembly resolution 60/251 of 15 March 2006, and Council resolutions 13/21 of 26 March 2010, 16/36 of 25 March 2011, 19/30 of 23 March 2012, 23/23 of 14 June 2013, 25/35 of 28 March 2014 and 28/33 of 27 March 2015,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the international covenants on human rights and other relevant instruments on human rights to which they are party,

Welcomes the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guinea,¹ which highlights the progress made by the country in promoting and protecting human rights and fundamental freedoms and reforming the justice sector,

Noting with satisfaction the efforts made by Guinea and Guineans, with the support of the international community, particularly the African Union and the Economic Community of West African States, with regard to the establishment of democratic institutions and strengthening of the rule of law,

Welcoming the progress made by the Guinean authorities in consolidating the freedoms of opinion and expression,

^{*} Non-member State of the Human Rights Council.
[†] A/HRC/31/48.



Recalling the recommendations made by the Commission of Inquiry established by the Secretary-General and supported by the African Union and the Economic Community of West African States,

Recalling also that it is the first responsibility of the Government of Guinea to protect its population, to conduct investigations into allegations of violations and abuses of human rights and violations of international humanitarian law and to bring those responsible to justice,

1. *Acknowledges* the efforts made by the Government of Guinea to strengthen the rule of law and to improve the situation of human rights in the country;
2. *Welcomes* the mainstreaming of human rights in the reform of the security sector;
3. *Encourages* the Guinean authorities to continue their efforts to mainstream human rights into all government policies and to bring national legislation fully into line with the international commitments of Guinea;
4. *Calls upon* the Guinean authorities to continue their efforts to consolidate freedom of peaceful assembly and association and freedom of expression, including freedom of the media and protection of journalists and media workers, and notes in this respect the establishment of the High Authority of Communication;
5. *Welcomes* the start of the national consultation process for reconciliation, and calls on the Guinean authorities to make fully operational the process of justice, truth and reconciliation;
6. *Strongly reaffirms* its commitment to accession to power through democratic channels, and condemns all incitement to ethnic and/or racial hatred;
7. *Welcomes* the holding in October 2015 of fair presidential elections, and calls on the Government of Guinea to consolidate the democratic electoral framework, particularly in view of the upcoming municipal and local elections, in line with the inter-Guinean political agreement of 20 August 2015;
8. *Urges* all political actors to continue to engage actively and in good faith in the political dialogue, and to be actively involved in the process of national reconciliation;
9. *Encourages* the Government of Guinea to make operational the national commission for reflection and prevention created in 2013 to tackle the phenomenon of violence;
10. *Welcomes* the efforts made by the Government of Guinea within the framework of the reform of the security and defence forces, which includes respect for human rights and guarantees the exercise of civil and political rights, and calls on the Government of Guinea to continue the training of security forces in the field of human rights;
11. *Welcomes* the progress made within the framework of the reform of the justice sector and the strengthening of the rule of law, including the establishment of the Supreme Judicial Council, the improvement of the working conditions of judges, the creation of the Constitutional Court and the establishment of the Court of Auditors;
12. *Encourages* the Government of Guinea to adopt and to implement reforms to strengthen the administration of justice in order to combat impunity and to consolidate respect for human rights;

13. *Calls upon the Government of Guinea to ensure that the national institution of human rights is established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);*

14. *Encourages the Government of Guinea to continue its efforts in the fight against impunity, particularly court proceedings initiated with respect to alleged violence by security forces, including in 2007 and 2013;*

15. *Urges the Government of Guinea to take the following additional measures:*

(a) *To support the work of the panel of judges appointed to investigate the events of 28 September 2009 and speed up judicial proceedings against those responsible for the violence, including acts of sexual violence committed against women and young girls;*

(b) *To ensure that the panel of judges is provided with the means and security conditions necessary to enable it to effectively fulfil its mandate;*

(c) *To ensure the organization and conduct of the trial relating to the events of 28 September 2009;*

(d) *To ensure the security and protection of witnesses and victims, and provide them with appropriate assistance and reparation, including in the form of medical aid and psychological support;*

(e) *To compensate the families of victims who died as a result of the events of 28 September 2009 and provide reparations to the injured for physical and psychological suffering inflicted upon them;*

16. *Takes note of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guinea;¹*

17. *Strongly reiterates its call on the international community:*

(a) *To provide the Government of Guinea with appropriate assistance to promote respect for human rights, the fight against impunity and reform of the security and justice sector, as well as ongoing initiatives to promote truth, justice and national reconciliation;*

(b) *To support the Office of the United Nations High Commissioner for Human Rights in Guinea;*

18. *Invites the High Commissioner to report to the Council at its thirty-fourth session on the evaluation of the situation of human rights and the activities of the Office of the High Commissioner in Guinea;*

19. *Decides to organize, at its thirty-fourth session, an interactive dialogue in the presence of all interested parties on the implementation of the present resolution, with particular emphasis on the fight against impunity;*

20. *Also decides to remain seized of this matter.*



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Thirty-first session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

South Africa (on behalf of the Group of African States): draft resolution

**31/... The negative impact of the non-repatriation of funds of illicit
origin to the countries of origin on the enjoyment of human
rights, and the importance of improving international
cooperation**

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

*Reaffirming the Universal Declaration of Human Rights, the Declaration on the
Right to Development, the Vienna Declaration and Programme of Action and other relevant
human rights instruments,*

*Recalling General Assembly resolutions 60/251 of 15 March 2006, 62/219 of 22
December 2007 and 65/281 of 17 June 2011, and Human Rights Council resolutions 5/1
and 5/2 of 18 June 2007, 11/11 of 18 June 2009 and 16/21 of 25 March 2011,*

*Recalling also General Assembly resolutions 54/205 of 22 December 1999, 55/61 of
4 December 2000, 55/188 of 20 December 2000, 56/186 of 21 December 2001, 57/244 of
20 December 2002, 58/205 of 23 December 2003, 59/242 of 22 December 2004, 60/1 of 16
September 2005, 60/207 of 22 December 2005, 61/209 of 20 December 2006, 62/202 of 19
December 2007, 63/226 of 19 December 2008, 64/237 of 24 December 2009, 65/1 of 22
September 2010, 65/169 of 20 December 2010, 67/192 of 20 December 2012, 68/195 of 18
December 2013, 68/309 of 10 September 2014 and 69/199 of 18 December 2014,*

*Recalling further Human Rights Council resolutions 17/23 of 17 June 2011, 19/38 of
23 March 2012, 22/12 of 21 March 2013, 25/9 of 27 March 2014 and 28/5 of 26 March
2015,*

*Reaffirming the commitments of States parties to the United Nations Convention
against Corruption thereunder, recognizing that the Convention is aimed at promoting and
strengthening measures to prevent and combat corruption more efficiently and effectively,
and that the return of assets is one of the main objectives and a fundamental principle of the
said Convention, and that States parties are obligated to accord one another the widest
measure of cooperation and assistance in this regard,*

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Reiterating the commitment to ensure the effective enjoyment of all civil, political, economic, social and cultural rights for everyone, including the right to development, and the obligation of all States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Reaffirming that all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law, and that in no case may a people be deprived of its own means of subsistence,

Recognizing that fighting corruption at all levels is a priority and that funds of illicit origin deprive Governments, in particular in developing countries, of resources required to progressively realize human rights, including economic, social and cultural rights, and in particular the right to development, in such a way that threatens the stability and sustainable development of States, undermines the values of democracy, the rule of law and morality and jeopardizes social, economic and political development, especially when an inadequate national and international response leads to impunity,

Recalling the United Nations Convention against Corruption, underlining its central role in fostering international cooperation to combat corruption and to facilitate the repatriation of the proceeds of corruption-related crimes, and stressing the need for universal adherence to the Convention and for its full implementation, as well as the full implementation of the resolutions and decisions of the Conference of the States parties to the Convention, particularly those adopted at its fourth and fifth sessions;

Recalling also that the United Nations Convention against Corruption underlines that States parties should not decline to render mutual legal assistance, pursuant to the Convention, including on the ground of bank secrecy, and in accordance with the domestic law of the requested State;

Noting with concern that financial systems characterized by high levels of financial secrecy combined with low tax rates can play a role in attracting various kinds of illicit funds in a way that can lead to depriving countries of resources required to realize human rights, and to jeopardizing social, economic and political development,

Concerned that the relative amount of wealth from developing countries held abroad is much greater than that from developed countries, and that a significant amount of that wealth held offshore may involve illicit funds,

Welcoming the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,¹ and the inclusion therein of target 16.4, which underlines the commitment of States to significantly reduce by 2030 illicit financial and arms flows, to strengthen the recovery and return of stolen assets and to combat all forms of organized crime,

Welcoming also the adoption by the Third International Conference on Financing for Development, held in Addis Ababa in July 2015, of the Addis Ababa Action Agenda,² which underlined, in particular, that measures to curb illicit financial flows will be integral for achieving sustainable development,

Affirming that making progress on the implementation of targets 16.4, 16.5 and 16.6 of the 2030 Agenda for Sustainable Development will make an important contribution not

¹ General Assembly resolution 70/1.

² General Assembly resolution 69/313.

only to achieving various other goals included in the Agenda but also to the enjoyment of human rights, in particular economic, social and cultural rights,

Welcoming the convening of an experts meeting on the issue of the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, pursuant to Human Rights Council resolution 28/5,

Taking note of the work carried out by different United Nations bodies, including the United Nations Office on Drugs and Crime, and international and regional organizations in preventing and combating all forms of corruption,

Bearing in mind that the prevention and eradication of corruption is a responsibility of all States, and that States should cooperate with one another, in accordance with the United Nations Convention against Corruption, with the support and involvement of other stakeholders,

Encouraging all relevant United Nations mechanisms to continue their consideration of the negative impact of illicit financial flows on the enjoyment of human rights, to further explore policy responses to the phenomenon and to coordinate their efforts in this regard,

Recognizing that supportive domestic legal systems are essential in preventing and combating corrupt practices and the transfer of assets of illicit origin and in returning such assets, and recalling that the fight against all forms of corruption requires strong institutions at all levels, including at the local level, able to take efficient preventive and law enforcement measures consistent with the United Nations Convention against Corruption, in particular chapters II and III thereof,

Appreciating the continued efforts of the Conference of the States Parties to the United Nations Convention against Corruption, through its various intergovernmental working groups, to oversee the review process of the implementation of the Convention, to advise on the provision of technical assistance for building institutional and human capacity in States parties for the prevention of corruption, and to enhance international cooperation, including in the repatriation of funds of illicit origin,

Taking note with appreciation of the Lausanne process initiative on practical guidelines for efficient asset recovery, developed by 30 States parties in close collaboration with the International Centre for Asset Recovery and with the support of the Stolen Asset Recovery Initiative of the World Bank and the United Nations Office on Drugs and Crime, which are aimed at providing effective and coordinated approaches to asset recovery for t from requesting and requested States.

Affirming the responsibilities of requesting and requested States in the repatriation of funds of illicit origin, cognizant that countries of origin must seek repatriation as part of their duty to ensure the application of the maximum available resources to the full realization of all human rights for all, including the right to development, address human rights violations and combat impunity, and that recipient countries, on the other hand, have a duty to assist and facilitate repatriation, including through judicial assistance, as part of their obligation of international cooperation and assistance under chapters IV and V of the United Nations Convention against Corruption and in the field of human rights,

Recalling that the repatriation of funds of illicit origin requires the close and transparent coordination and cooperation of requesting and requested States, including between competent authorities, in particular the judicial authorities, within the shared responsibility to facilitate efficient international cooperation for the prompt recovery of assets of illicit origin,

Concerned at the difficulties, in particular the practical difficulties, that both requested and requesting States face in the repatriation of funds of illicit origin, taking into

account the particular importance of the recovery of stolen assets for sustainable development and stability, and noting the difficulties of providing information establishing a link between the proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases may be difficult to prove, bearing in mind that everyone charged with a criminal offence has the right to be presumed innocent until proven guilty according to law,

Recognizing that States continue to face challenges in recovering funds of illicit origin owing to, inter alia, differences in legal systems, the complexity of multijurisdictional investigations and prosecutions, lack of familiarity with the mutual legal assistance procedures of other States and difficulties in identifying the flow of funds of illicit origin, noting the particular challenges in recovering them in cases involving individuals who are or have been entrusted with prominent public functions and their family members and close associates, and recognizing that legal difficulties are often exacerbated by factual and institutional obstacles,

Asserting the urgent need to repatriate illicit funds to the countries of origin without conditionalities, in accordance with the United Nations Convention against Corruption and the commitments made at the 2005 World Summit and the 2010 high-level plenary meeting of the General Assembly on the Millennium Development Goals to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and urging all States to step up their efforts to trace, freeze and recover those funds,

Noting the particular concern of developing countries and countries with economies in transition regarding the need to return assets of illicit origin derived from corruption, in particular to countries from which they originated, consistent with the principles of the United Nations Convention against Corruption, in particular chapter V thereto, so as to enable countries to design and fund development projects in accordance with their national priorities in view of the importance that such assets can have to their sustainable development,

1. *Takes note with appreciation* of the final study on illicit financial flows, human rights and the 2030 Agenda for Sustainable Development prepared by the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;³
2. *Welcomes* the report of the High-level Panel on Illicit Financial Flows from Africa, which highlighted the gravity of the problem of illicit financial flows in continent, ranging from \$50 billion to \$60 billion a year;
3. *Calls upon* all States that have not yet acceded to the United Nations Convention against Corruption to consider doing so as a matter of priority;
4. *Urges* requesting and requested States to cooperate to recover the proceeds of corruption, crime, including embezzled public funds, stolen assets and unaccounted-for assets, including those that are found in safe havens, and to demonstrate strong commitment to ensuring the return or disposal of such assets, including their return to the countries of origin;
5. *Calls upon* all States to consider enacting legislation to address offences by business enterprises, including multinational corporations, that deprive Governments of legitimate domestic sources of revenue for the implementation of their development

³ A/HRC/31/61.

agendas, in compliance with their international obligations, including international human rights law;

6. *Also calls upon* all States to seek to reduce opportunities for tax avoidance, to consider inserting anti-abuse clauses in all tax treaties and to enhance disclosure practices and transparency in both source and destination countries, including by seeking to ensure transparency in all financial transactions between Governments and companies to relevant tax authorities;

7. *Asserts* the urgent need to repatriate illicit funds to the countries of origin without conditionalities, taking into account due process, to strive to eliminate safe havens that create incentives for transfer abroad of stolen assets and illicit financial flows, and to strengthen regulatory frameworks at all levels;

8. *Encourages* requested State parties to respond to requests for assistance and to adopt such measures as may be necessary to enable them to provide a wider scope of assistance, pursuant to article 46 of the United Nations Convention against Corruption in the absence of dual criminality;

9. *Calls upon* all States to consider waiving or reducing to the barest minimum reasonable expenses deducted when recovering assets, particularly when the requesting State is a developing country, bearing in mind that the return of illicitly acquired assets contribute to the promotion of sustainable development;

10. *Acknowledges* the importance of full compliance with international human rights law in relation to the repatriation of funds of illicit origin by, inter alia, promoting human rights-based policy coherence in the Human Rights Council and in the intergovernmental process of implementing the United Nations Convention against Corruption;

11. *Invites* the Conference of the States Parties to the United Nations Convention against Corruption to consider ways of adopting a human rights-based approach in the implementation of the Convention, including when dealing with the repatriation of funds of illicit origin, and appreciates the continued efforts of the Open-ended Intergovernmental Working Group on Asset Recovery of the Conference to assist States parties in fulfilling their obligations under the Convention to prevent, detect and deter in a more effective manner the international transfer of funds of illicit origin and to strengthen international cooperation in asset recovery;

12. *Notes with appreciation* the Stolen Assets Recovery Initiative of the World Bank Group and the United Nations Office on Drugs and Crime, and encourages coordination among existing initiatives;

13. *Notes* the importance of the International Monetary Fund and the World Bank publishing estimates of the volume and composition of illicit financial flows on an annual basis to monitor progress in implementing target 16.4 of the Sustainable Development Goals on illicit financial flows;

14. *Calls upon* States to continue to consider the establishment of an intergovernmental working group on the negative impact of illicit financial flows on the enjoyment of human rights, and to further explore policy responses to the phenomenon;

15. *Realizes* that, while illicit financial outflows from the least developed countries may account for only a small portion of all outflows of funds of illicit origin worldwide, they have a particularly negative impact on social development and the realization of social, economic and cultural rights in these countries, given the size of their economies;

16. *Underscores* that the repatriation of funds of illicit origin would provide States that have undergone regime change with a further opportunity to improve the realization of economic, social and cultural rights and to fulfil their obligation to meet the legitimate aspirations of their peoples;

17. *Acknowledges* the important role that civil society can play in exposing corruption and drawing attention to the negative impact of the non-repatriation of funds of illicit origin on the rule of law and the realization of economic, social and cultural rights, and reiterates in this context the obligation of States to protect reporting persons in accordance with article 33 of the United Nations Convention against Corruption and the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;

18. *Welcomes* national initiatives to adopt anti-money-laundering legislation as an important step in the fight against corruption and the willingness demonstrated by some States to cooperate in facilitating the repatriation of funds of illicit origin, and calls for more robust regulations in this regard, including through the implementation of policies aimed at reducing the flow of funds of illicit origin, ensuring their repatriation and the provision of technical assistance to developing countries;

19. *Encourages* all States to share best practices in the freezing and recovery of funds of illicit origin;

20. *Calls for* further international cooperation through, inter alia, the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer of assets of illicit origin, in accordance with the principles of the United Nations Convention against Corruption, and in this regard encourages close cooperation at the national and international levels between anti-corruption agencies, law enforcement agencies and financial intelligence units;

21. *Calls upon* all States requested to repatriate funds of illicit origin to uphold fully their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, in accordance with the United Nations Convention against Corruption, and to make every effort to achieve the repatriation of funds of illicit origin to the countries of origin in order to diminish the negative impact of non-repatriation, including on the enjoyment of human rights, in particular economic, social and cultural rights in the countries of origin by, inter alia, lowering the barriers imposed on requiring jurisdictions at the tracing stage and enhancing cooperation in this regard between competent agencies, in particular taking into account the risks of dissipation of those funds and, where appropriate, by delinking confiscation measures from a requirement of conviction in the country of origin;

22. *Calls upon* all States requesting the repatriation of funds of illicit origin to uphold fully their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and to apply the principles of accountability, transparency and participation in the decision-making process regarding the allocation of repatriated funds to the realization of economic, social and cultural rights in order to improve prevention and detection procedures, correct identified weaknesses or mismanagement, prevent impunity, provide effective remedies directed at creating conditions for avoiding new human rights violations and improve the overall administration of justice;

23. *Reaffirms* that it is the obligation of the State to investigate and prosecute corruption, calls upon all States to strengthen criminal proceedings directed at freezing or restraining funds of illicit origin, and encourages requesting States to ensure that adequate national investigative procedures have been initiated and substantiated for the purpose of presenting mutual legal assistance requests, and in this context encourages requested States

to provide information on legal frameworks and procedures to the requesting State and to remove barriers to asset recovery, including by simplifying their legal procedures;

24. *Underlines* that there is also a corporate responsibility to comply with and respect all applicable laws and human rights, and a need for greater access to effective remedies by victims in order to realize effective prevention of, and remedy for, business-related human rights harm, as set out in the Guiding Principles on Business and Human Rights;

25. *Calls upon* requesting and requested States with practical experience in asset recovery to develop, as appropriate, in cooperation with interested States and providers of technical assistance, non-binding practical guidelines, such as a step-by-step guide for efficient asset recovery, with a view to enhancing effective approaches to asset recovery based on best practices, practical experience and the lessons learned from past cases, while being mindful to seek to add value by building upon existing work in this area;

26. *Encourages* State parties to consider, where appropriate, and in accordance with national law, the opportunity of referring to the draft Lausanne guidelines for efficient recovery of stolen assets in their practice;

27. *Stresses* the need for transparency in financial institutions and effective due diligence measures to be applied by financial intermediaries, calls upon States to seek appropriate means in accordance with their international obligations to ensure the cooperation and responsiveness of financial institutions to foreign requests to freeze and recover funds of illicit origin and the provision of an efficient mutual legal assistance regime to States requesting repatriation of those funds, and encourages the promotion of human and institutional capacity-building in that regard;

28. *Recalls* the importance of the mechanism for the review of implementation of the United Nations Convention against Corruption, and urges States parties to comply with their obligations in the conduct of country reviews to enhance effective implementation of the Convention as a preventive measure for the outflow of illicit financial flows;

29. *Invites* the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, to continue to consider the impact of illicit financial flows on the enjoyment of human rights as part of the mandate;

30. *Requests* the Advisory Committee of the Human Rights Council to conduct a comprehensive research-based study on the impact of flow of funds of illicit origin and the non-repatriation thereof to the countries of origin on the enjoyment of human rights, including economic, social and cultural rights, with a special emphasis on the right to development, with a view to compiling relevant best practices and main challenges, and to make recommendations on tackling those challenges based on the best practices in question, and to present a progress report on the requested study to the Human Rights Council at its thirty-sixth session for its consideration;

31. *Also requests* the Advisory Committee to seek, if necessary, further views and the input of Member States, relevant international and regional organizations, the United Nations High Commissioner for Human Rights and relevant special procedures, as well as national human rights institutions and non-governmental organizations, in order to finalize the above-mentioned study, taking into account, inter alia, the final study on illicit financial flows, human rights and the 2030 Agenda for Sustainable Development of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;

32. *Requests* the United Nations High Commissioner for Human Rights to provide all assistance and financial resources necessary to allow the Independent Expert to carry out the mandate set out in the present resolution, and calls upon all relevant stakeholders, including States and United Nations bodies and agencies, and other international and regional entities to cooperate fully with the Independent Expert in this regard

33. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States and the forums dealing with the issue of the repatriation of funds of illicit origin within the United Nations system for consideration and necessary action and coordination as appropriate, particularly within the context of the Conference of the States Parties to the United Nations Convention against Corruption;

34. *Decides* to continue its consideration of this matter under the same agenda item.



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Agenda item 4

Human rights situations that require the Council's attention

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United States of America: draft resolution

31/... Situation of human rights in the Democratic People's Republic of Korea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Recalling all previous resolutions adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 28/22 of 27 March 2015 and Assembly resolution 70/172 of 17 December 2015, and urging the implementation of those resolutions,

Bearing in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and annexes thereto,

Stressing the importance of following up on the recommendations contained in the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea,¹ which was welcomed by both the Human Rights Council and the General

* Non-member State of the Human Rights Council.

¹ A/HRC/25/63.



Assembly, and transmitted to the relevant bodies of the United Nations, including the Security Council,

Deeply concerned at the systematic, widespread and gross human rights violations in the Democratic People's Republic of Korea that, in many instances, constitute crimes against humanity, as well as at the impunity of perpetrators, as described in the report of the commission of inquiry,

Concerned that the precarious humanitarian situation in the country is exacerbated by the failure of the Government of the Democratic People's Republic of Korea to provide humanitarian agencies with free and unimpeded access to all populations in need and by its national policy priorities that, among others, prioritize military spending over citizens' access to food,

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, including by ensuring equal access to adequate food, as well as, among others, freedom of religion or belief, freedom of expression and freedom of association and assembly,

Recognizing that particular risk factors affect women, children, persons with disabilities and the elderly, and the need to ensure the full enjoyment of all their human rights and fundamental freedoms by them against neglect, abuse, exploitation and violence,

Acknowledging the participation of the Democratic People's Republic of Korea in the second universal periodic review process, noting the acceptance by the Government of the Democratic People's Republic of Korea of 113 out of the 268 recommendations contained in the outcome of the review and its stated commitment to implement them and to look into the possibility of implementing a further 58 recommendations, and emphasizing the importance that the Democratic People's Republic of Korea accept and implement the recommendations in order to address the grave human rights violations in the country,

Recognizing the important work of the treaty bodies in monitoring the implementation of international human rights obligations, and emphasizing the need for the Democratic People's Republic of Korea to comply with its human rights obligations and to ensure regular and timely reporting to the treaty bodies,

Noting the importance of the issue of international abductions and of the immediate return of all abductees, taking note of the outcome of the government-level consultation between the Democratic People's Republic of Korea and Japan in May 2014, on the basis of which the Democratic People's Republic of Korea commenced investigations on all the Japanese nationals, and expecting the resolution of all issues related to the Japanese nationals, in particular the return of all abductees, to be achieved at the earliest possible date,

Welcoming the panel discussion on the situation of human rights in the Democratic People's Republic of Korea, including the issue of international abductions, enforced disappearances and related matters, held during the thirtieth session of the Human Rights Council,

Noting the importance of inter-Korean dialogue, which could contribute to the improvement of the human rights and humanitarian situation in the Democratic People's Republic of Korea,

Welcoming the resumption of the reunions of separated families across the border in October 2015, and, given that this is an urgent humanitarian concern of the entire Korean people, owing, in particular, to the advanced age of many members of the separated

families, hoping that necessary arrangements for confirming the fate of family members, exchanging letters, visiting their hometowns and holding further reunions on a larger scale and a regular basis will be made by the Democratic People's Republic of Korea, the Republic of Korea and members of the Korean diaspora,

Reaffirming the importance of States engaging fully and constructively with the Human Rights Council, including with the universal periodic review process and other mechanisms of the Council, for the improvement of their situation of human rights,

1. *Condemns in the strongest terms* the long-standing and ongoing systematic, widespread and gross human rights violations and other human rights abuses committed in the Democratic People's Republic of Korea, and expresses its grave concern at the detailed findings made by the commission of inquiry in its report, including:

(a) The denial of the right to freedom of thought, conscience and religion, as well as of the rights to freedom of opinion, expression and association, which is enforced through an absolute monopoly on information and total control over organized social life, and arbitrary and unlawful State surveillance that permeates the private lives of all citizens;

(b) Discrimination based on the *songbun* system, which classifies people on the basis of State-assigned social class and birth, and also includes consideration of political opinions and religion, discrimination against women, including unequal access to employment, discriminatory laws and regulations, and violence against women;

(c) Violations of all aspects of the right to freedom of movement, including forced assignment to State-designated places of residence and employment, often based on the *songbun* system, and denial of the right to leave one's own country;

(d) Systematic, widespread and grave violations of the right to food and related aspects of the right to life, exacerbated by widespread hunger and malnutrition;

(e) Violations of the right to life and acts of extermination, murder, enslavement, torture, imprisonment, rape and other grave forms of sexual violence and persecution on political, religious and gender grounds in political prison camps and ordinary prisons, and the widespread practice of collective punishment with harsh sentences imposed on innocent individuals;

(f) Systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy;

2. *Urges* the Government of the Democratic People's Republic of Korea to acknowledge the human rights violations in the country and to take immediate steps to end all such violations and abuses through, inter alia, the implementation of relevant recommendations in the report of the commission of inquiry, including, but not limited to, the following steps:

(a) To ensure the right to freedom of thought, conscience and religion, as well as the rights to freedom of opinion, expression and association, including by permitting the establishment of independent newspapers and other media;

(b) To end discrimination against citizens, including State-sponsored discrimination based on the *songbun* system, and to take immediate steps to ensure gender equality and to protect women from gender-based violence;

(c) To ensure the right to freedom of movement, including the freedom to choose one's place of residence and employment;

(d) To promote equal access to food, including through full transparency regarding the provision of humanitarian assistance so that such assistance is genuinely provided to vulnerable persons;

(e) To immediately halt all human right violations relating to prison camps, including the practice of forced labour, to dismantle all political prison camps and to release all political prisoners, to immediately cease the practice of the arbitrary execution of persons in custody, and to ensure that justice sector reforms provide protections for a fair trial and due process;

(f) To resolve the issue of all persons who have been abducted or otherwise forcibly disappeared, as well as their descendants, in a transparent manner, including by ensuring their immediate return;

3. *Reiterates its deep concern* at the commission's findings concerning the situation of refugees and asylum seekers returned to the Democratic People's Republic of Korea, and other citizens of the Democratic People's Republic of Korea who have been repatriated from abroad and made subject to sanctions, including internment, torture, cruel, inhumane and degrading treatment, sexual violence, enforced disappearance or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat humanely those who seek refuge and to ensure unhindered access to the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights, with a view to protecting the human rights of those who seek refuge, and once again urges State parties to comply with their obligations under international human rights law as well as the Convention relating to the Status of Refugees and the Protocol thereto in relation to persons from the Democratic People's Republic of Korea who are covered by those instruments;

4. *Stresses and restates its grave concern* about the commission's finding that the body of testimony gathered and the information received provided reasonable grounds to believe that crimes against humanity have been committed in the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State for decades; these crimes against humanity entail extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation;

5. *Stresses* that the authorities of the Democratic People's Republic of Korea have failed to prosecute those responsible for crimes against humanity and other human rights violations, and encourages the members of the international community to cooperate with accountability efforts and to ensure that these crimes do not remain unpunished;

6. *Welcomes* General Assembly resolution 70/172, in which the Assembly encouraged the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the scope for effective targeted sanctions against those who appear to be most responsible for acts that the commission has stated may constitute crimes against humanity;

7. *Also welcomes* the decision of the Security Council to hold a second Council meeting on 10 December 2015, following the one held in December 2014, during which the situation of human rights in the Democratic People's Republic of Korea was discussed, and looks forward to the continued and active engagement of the Council on this matter;

8. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken to date and his continued efforts in the conduct of his mandate despite the lack of access to the country;

9. *Welcomes* the report of the Special Rapporteur submitted to the Human Rights Council at its thirty-first session,² in which the Special Rapporteur called upon the Council to establish a group of independent experts on accountability;

10. *Recalling* the findings and recommendations of the commission of inquiry on human rights in the Democratic People's Republic of Korea, requests the United Nations High Commissioner for Human Rights to designate, for a period of six months, a maximum of two existing independent experts in support of the work of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea to focus on issues of accountability for human rights violations in the country, in particular where such violations amount to crimes against humanity, as found by the commission of inquiry;

11. *Requests* the group of independent experts on accountability, taking into account existing international law and prevailing State practices with regard to accountability:

(a) To explore appropriate approaches to seek accountability for human rights violations in the Democratic People's Republic of Korea, in particular where such violations amount to crimes against humanity, as found by the commission of inquiry;

(b) To recommend practical mechanisms of accountability to secure truth and justice for the victims of possible crimes against humanity in the Democratic People's Republic of Korea, including the International Criminal Court;

12. *Decides* to extend the mandate of the Special Rapporteur of the situation of human rights in the Democratic People's Republic of Korea, in accordance with Human Rights Council resolution 28/22, for a period of one year;

13. *Calls again upon* all parties concerned, including United Nations bodies, to consider implementation of the recommendations made by the commission of inquiry in its report in order to address the dire situation of human rights in the Democratic People's Republic of Korea;

14. *Welcomes* the establishment by the Office of the United Nations High Commissioner for Human Rights of a field-based structure in Seoul to strengthen the monitoring and documentation of the situation of human rights in the Democratic People's Republic of Korea, to ensure accountability, to provide the Special Rapporteur with increased support, to enhance the engagement and capacity-building of the Governments of all States concerned, civil society and other stakeholders, and to maintain the visibility of the situation of human rights in the Democratic People's Republic of Korea, including through sustained communications, advocacy and outreach initiatives;

15. *Also welcomes* the report of the High Commissioner on the role and achievements of the Office with regard to the situation of human rights in the Democratic People's Republic of Korea submitted to the Human Rights Council at its thirty-first session,³ and invites the High Commissioner to provide regular updates on the issue to the Council;

² A/HRC/31/70.

³ A/HRC/31/38.

16. *Calls upon* all States to undertake to ensure that the field-based structure of the Office of the High Commissioner can function with independence, that it has sufficient resources and that it is not subjected to any reprisals or threats;
17. *Requests* the Office of the High Commissioner to report on its follow-up efforts in the regular annual report of the Secretary-General submitted to the General Assembly on the situation of human rights in the Democratic People's Republic of Korea;
18. *Requests* the Special Rapporteur to submit regular reports to the Human Rights Council and to the General Assembly on the implementation of his or her mandate, including on the follow-up efforts made in the implementation of the recommendations of the commission of inquiry;
19. *Also requests* the Special Rapporteur to include the report of the group of independent experts on accountability as an annex to his/her report to the Council at its thirty-fourth session;
20. *Acknowledges* that the Special Rapporteur held a dialogue with the representatives of the Democratic People's Republic of Korea in New York on 27 October 2014, and urges the Government of the Democratic People's Republic of Korea, through continuous dialogues, to invite and to cooperate fully with the Special Rapporteur, to give the Special Rapporteur and supporting staff unrestricted access to visit the country, and to provide them with all information necessary to enable them to fulfil such a mandate, and also to promote technical cooperation with the Office of the High Commissioner;
21. *Encourages* the United Nations system, including its specialized agencies, States, regional intergovernmental organizations, interested institutions, independent experts and non-governmental organizations to develop constructive dialogue and cooperation with special procedure mandate holders, including the Special Rapporteur, and the field-based structure of the Office of the High Commissioner;
22. *Encourages* all States, the United Nations Secretariat, including relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and engaged business enterprises and other stakeholders towards which the commission of inquiry has directed recommendations to take forward those recommendations;
23. *Encourages* all States that have relations with the Democratic People's Republic of Korea to use their influence to encourage it to take immediate steps to end all human rights violations, including by closing political prison camps and undertaking profound institutional reforms;
24. *Requests* the Secretary-General to provide the Special Rapporteur and the Office of the High Commissioner with regard to the field-based structure with all the assistance and adequate staffing necessary to carry out the mandate effectively, and to ensure that the mandate holder receives the support of the Office of the High Commissioner;
25. *Decides* to transmit all reports of the Special Rapporteur to all relevant bodies of the United Nations and to the Secretary-General for appropriate action.



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Human Rights Council

Thirty-first session

Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Albania, Andorra,* Argentina,* Armenia,* Australia,* Austria,* Belgium, Bosnia and Herzegovina,* Brazil,* Bulgaria,* Canada,* Chile,* Costa Rica,* Croatia,* Cyprus,* Czech Republic,* Denmark,* Djibouti,* Estonia,* Finland,* France, Georgia, Germany, Ghana, Greece,* Hungary,* Iceland,* Ireland,* Italy,* Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Mexico, Montenegro,* Morocco, New Zealand,* Norway,* Panama, Paraguay, Peru,* Poland,* Portugal, Republic of Moldova,* Romania,* Slovakia,* Slovenia, Spain,* Sweden,* the former Yugoslav Republic of Macedonia, Tunisia,* Turkey,* Ukraine,* United States of America,* Uruguay:* draft resolution

31/... Torture and other cruel, inhuman or degrading treatment or punishment: safeguards to prevent torture during police custody and pretrial detention

The Human Rights Council,

Recalling all resolutions on torture and other cruel, inhuman or degrading treatment or punishment adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council,

Recognizing that law enforcement officials play a vital role in the protection of the right to life, liberty and security, as enshrined in the Universal Declaration of Human Rights and reaffirmed in the International Covenant on Civil and Political Rights,

Recognizing also the role of law enforcement officials in serving the community and protecting all persons against acts of torture and other cruel, inhuman or degrading treatment or punishment, consistent with the important role of their profession, and that the Code of Conduct for Law Enforcement Officials states that, in the performance of their duty, law enforcement officials shall respect and protect human dignity, and respect and protect the human rights of all persons,

* Non-member State of the Human Rights Council.



Recalling the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)¹ and the adoption of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),²

Recalling also that accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication,

Recalling further article 11 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, according to which each State party shall keep under systematic review interrogation rules, instructions, methods and practices, as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture,

Mindful of existing principles, guidelines and standards relevant to interrogation, including the United Nations Code of Conduct for Law Enforcement Officials and the United Nations Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment, and also mindful of the Luanda Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa, adopted by the African Commission on Human and Peoples' Rights, the Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, adopted by the Inter-American Commission on Human Rights, and the revised standards for law enforcement agencies, issued by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment,

1. *Emphasizes* that States must take persistent, determined and effective measures to prevent and combat all acts of torture and other cruel, inhuman or degrading treatment or punishment, stresses that all acts of torture must be made offences under domestic criminal law punishable by appropriate penalties that take into account their grave nature, and calls upon States to prohibit under domestic law acts constituting cruel, inhuman or degrading treatment or punishment;

2. *Urges* all States that have not yet done so to become parties to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and to give early consideration to signing and ratifying the Optional Protocol thereto as a matter of priority;

3. *Welcomes* the Convention against Torture Initiative, launched in March 2014 on the thirtieth anniversary of the adoption of the Convention, to achieve the universal ratification and improved implementation of the Convention by 2024, as well as related regional initiatives on the prevention and eradication of torture;

4. *Urges* States to adopt, implement and comply fully with legal and procedural safeguards against torture and other cruel, inhuman or degrading treatment or punishment, as well as to ensure that the judiciary, and where relevant the prosecution, can effectively ensure compliance with such safeguards;

5. *Stresses* that effective legal and procedural safeguards for the prevention of torture and other cruel, inhuman or degrading treatment or punishment include ensuring that any individual arrested or detained on a criminal charge is brought promptly before a judge or other independent judicial officer, and permitting prompt and regular medical care and legal counsel at any stage of detention as well as visits by family members;

¹ General Assembly resolution 65/229, annex.

² General Assembly resolution 70/175, annex.

6. *Also stresses* the obligation of States to ensure that anyone who is arrested is informed at the time of arrest of the reasons for the arrest, and is promptly informed of any charges against him or her in accessible forms of communication, including in a language that he or she understands, and be provided with information about and an explanation of his or her rights;

7. *Calls upon* States in the context of criminal proceedings to ensure access to lawyers from the outset of custody and during all interrogations and judicial proceedings, as well as timely access of lawyers to appropriate information to enable them to provide effective legal assistance to their clients;

8. *Encourages* States to ensure that a proper and consented medical examination by a medical practitioner is available to persons in police custody and pretrial detention as promptly as possible after their admission to the place of detention, and to ensure that the results of every examination and relevant statements by the detainee and the medical practitioner's conclusions are duly recorded and made available to the detainee in accordance with relevant rules of domestic law;

9. *Also encourages* States to ensure the compilation and maintenance of up-to-date official registers and/or records of persons in police custody or pretrial detention, which, as a minimum, contain information about (a) the reasons for the arrest; (b) the time of the arrest and the taking of the arrested person to a place of custody, as well as that of his or her first appearance before a judicial or other authority; (c) the identity of the law enforcement officials concerned; (d) precise information concerning the place of custody; and to communicate such records to the detained person or his or her counsel, as prescribed by law;

10. *Stresses* the importance of developing corroborating methods of crime investigation to eliminate or reduce sole reliance on confessions for the purpose of securing convictions, and the importance of seeking corroborative evidence through all available modern, scientific methods of crime investigation, including through appropriate investment in equipment, skilled human resources and international cooperation on capacity-building;

11. *Also stresses* the importance of keeping under systematic review interrogation rules, instructions, methods and practices, and of developing domestic guidelines on how to conduct interrogations with a view to preventing any cases of torture and other cruel, inhuman or degrading treatment or punishment;

12. *Urges* States during reviews of domestic interrogation rules, instructions, methods and practices to ensure that they observe their international obligations, that safeguards against torture and other cruel, inhuman or degrading treatment or punishment are in place, and that during such reviews they are mindful of the particular importance of safeguards, to ensure that:

- (a) The physical environment and conditions during interrogation are humane;
- (b) The length of interrogation sessions are in accordance with obligations under international human rights law, including the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;
- (c) Interrogated persons are not subjected to coercive methods of interrogation that impair their capacity of decision or their judgement, or forces them to confess, incriminate themselves or testify against any other person;
- (d) All persons during police custody and pretrial detention subjected to interrogation are afforded the right to the presence and assistance of a lawyer and, if

necessary, the presence and services of a properly qualified interpreter during interrogation sessions;

(e) Records of interrogation sessions during police custody and pretrial detention, including their duration and the intervals between sessions, as well as the identity of the law enforcement official who conduct the interrogations and other persons present, are kept accurately and that such records are stored safely;

(f) Rules are in place to obligate law enforcement officials to report instances of torture or other cruel, inhuman or degrading treatment or punishment to their superior authorities, with appropriate sanctions for non-reporting, and, where necessary, that independent organs are vested with reviewing or remedial power;

(g) Consideration is given at all times to the personal circumstances of the interrogated person;

13. *Stresses* that States must ensure that no statement that is established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, urges States to extend that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, and recognizes that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

14. *Calls upon* States to include education and information regarding the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment in the training of law enforcement personnel, which may include training on, inter alia, the use of force and all available modern scientific methods for crime investigation and the critical importance of reporting instances of torture or other cruel, inhuman or degrading treatment or punishment to superior authorities;

15. *Emphasizes* that it is important, for the ability of law enforcement officials to play their role in safeguarding the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, that States ensure the proper functioning of the criminal justice system, particularly by taking effective measures for combating corruption, establishing proper legal aid programmes and providing adequate selection, training and remuneration of law enforcement officials;

16. *Stresses* that inspections of places of police custody and pretrial detention by an independent authority contribute to the prevention of torture and other cruel, inhuman or degrading treatment or punishment, and that, to be fully effective, such visits should be regular and able to be made unannounced, and the authority should be empowered to examine all issues related to the treatment of persons in police custody and pretrial detention and to interview detained persons in full confidentiality, subject to reasonable conditions to ensure security and good order in such places;

17. *Emphasizes* that States are obligated to ensure that any person who alleges to have been subjected to torture or other cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction has the right to complain to the competent authorities, and that steps are taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his or her complaint or any evidence given;

18. *Stresses* that an independent, competent domestic authority must promptly, effectively and impartially investigate all allegations of torture or other cruel, inhuman or degrading treatment or punishment, as well as wherever there is reasonable ground to believe that such an act has been committed, and that those who encourage, instigate, order, tolerate, acquiesce in, consent to or perpetrate such acts must be held responsible, brought

to justice and punished in a manner commensurate with the severity of the offence, including officials in charge of any place of detention or other place where persons are deprived of their liberty where the prohibited act is found to have been committed;

19. *Invites* the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and other relevant special procedures, within their respective mandates, to take the present resolution into account in their future work;

20. *Welcomes* the work of the Special Rapporteur and takes note of his latest report;³

21. *Requests* the Office of the United Nations High Commissioner of Human Rights to convene, in 2017, an intersessional, full-day seminar with the participation of States, relevant United Nations agencies, funds and programmes, and other relevant stakeholders, with interpretation in the six official languages of the United Nations, with the objective of exchanging national experiences and practices on the implementation of effective safeguards to prevent torture and other cruel, inhuman or degrading treatment or punishment during police custody and pretrial detention, and invites the Office to cooperate with other relevant United Nations organizations and the Convention against Torture Initiative in the preparation of the seminar;

22. *Also requests* the Office of the High Commissioner to prepare a summary report of the above-mentioned seminar, and to submit the report to the Human Rights Council at its thirty-seventh session.

³ A/HRC/31/57.



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Thirty-first session

Agenda item 4

Human rights situations that require the Council's attention

Albania, Andorra,* Australia,* Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Croatia,* Cyprus,* Czech Republic,* Denmark,* Estonia,* Finland,* France, Germany, Iceland,* Ireland,* Israel,* Italy,* Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Monaco,* Montenegro,* Netherlands, Norway,* Poland,* Portugal, Republic of Moldova,* Romania,* Slovakia,* Slovenia, Spain,* Sweden,* the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America:* draft resolution

31/... Situation of human rights in the Islamic Republic of Iran

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling its resolutions 16/9 of 24 March 2011, 19/12 of 3 April 2012, 22/23 of 22 March 2013, 25/24 of 28 March 2014 and 28/21 of 27 March 2015, General Assembly resolution 70/45 of 17 December 2015 and all previous resolutions of the Assembly on the situation of human rights in the Islamic Republic of Iran, and regretting the lack of cooperation of the Islamic Republic of Iran with the requests of the Human Rights Council and the Assembly made in those resolutions,

Welcoming the report and recommendations of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran submitted to the Human Rights Council,¹ and expressing serious concern at the developments noted in that report as well as the lack of access permitted to the Special Rapporteur to travel to the Islamic Republic of Iran,

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that mandate holders are to discharge their duties in accordance with those resolutions and the annexes thereto,

* Non-member State of the Human Rights Council.

¹ A/HRC/31/69.



1. *Decides* to extend the mandate of the Special Rapporteur on the situation of ~~human~~ rights in the Islamic Republic of Iran for a further period of one year, and requests the Special Rapporteur to submit a report on the implementation of his mandate to the Human Rights Council at its thirty-fourth session and to the General Assembly at its seventy-first session;
 2. *Calls upon* the Government of the Islamic Republic of Iran to cooperate fully with the Special Rapporteur and to permit access to visit the country, as well as all information necessary to allow the fulfilment of the mandate;
 3. *Requests* the Secretary-General to provide the Special Rapporteur with the resources necessary to fulfil the mandate.
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Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Argentina,* Australia,* Brazil,* Canada,* Djibouti,* France, Georgia, Ghana,
Honduras,* Hungary,* Iceland,* Ireland,* Japan,* Latvia, Liechtenstein,* Mexico,
Monaco,* Montenegro,* New Zealand,* Norway,* Panama, Paraguay, Poland,*
Republic of Moldova,* Romania,* Switzerland, the former Yugoslav Republic of
Macedonia, Tunisia,* Uruguay:* draft resolution

31/... Protecting human rights defenders addressing economic, social and cultural rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

*Guided also by the Universal Declaration of Human Rights, the International
Covenants on Human Rights and other relevant instruments,*

Recalling General Assembly resolution 53/144 of 9 December 1998, by which the
Assembly adopted by consensus the Declaration on the Right and Responsibility of
Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized
Human Rights and Fundamental Freedoms,

Recalling also all other previous resolutions on this subject, in particular Human
Rights Council resolutions 22/6 of 21 March 2013 and 25/18 of 28 March 2014, and
General Assembly resolutions 68/181 of 18 December 2013 and 70/161 of 17 December
2015,

Reaffirming the importance of the Declaration and its full and effective
implementation, and that promoting respect, support and protection for the activities of
human rights defenders, including women human rights defenders, is essential to the
overall enjoyment of human rights,

Recalling that the Vienna Declaration and Programme of Action, the 2005 World
Summit Outcome and General Assembly resolution 60/251 of 15 March 2006, in which the
Assembly established the Human Rights Council, all affirm that all human rights are

* Non-member State of the Human Rights Council.



universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recalling also that the promotion and protection of one category of rights should never exempt States from the promotion and protection of other rights,

Recalling also the annual high-level panel discussions held at the thirty-first session of the Human Rights Council on human rights mainstreaming, with its theme "The 2030 Agenda for Sustainable Development and human rights", with an emphasis on the right to development, and on the fiftieth anniversary of the Human Rights Covenants,

Noting the statement given by the Special Rapporteur on the situation of human rights defenders during the interactive dialogue with the Human Rights Council at its thirty-first session, and deeply regretting the assassination, following death threats, of persons addressing human rights in the context of land and environmental issues, including indigenous leaders,

Noting also that previous resolutions on the present subject pertain to the promotion and protection of civil, political, economic, social and cultural rights,

Reaffirming that States have the primary responsibility and are under the obligation to protect all human rights and fundamental freedoms of all persons,

Reaffirming also that everyone has the right, individually and in association with others, to promote and strive for the realization of human rights and fundamental freedoms, including all civil, political, economic, social and cultural rights,

Welcoming the steps taken at the national level to implement economic, social and cultural rights, including the enactment of appropriate legislation and adjudication by national courts,

Recognizing the positive, important and legitimate role of human rights defenders in promoting and advocating the realization of all economic, social and cultural rights, including by engaging with Governments and contributing to the efforts in the implementation of the obligations of States in this regard, and welcoming the steps taken by some States to create a safe and enabling environment for the defence of human rights,

Stressing that everyone, individually and in association with others, shall be free to determine themselves which rights to address, at the local, national, regional and international levels, through the exercise of their rights, including through advocacy, reporting and seeking information on human rights violations and abuses by States and non-State actors,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement, and in order to bring to an end all forms of discrimination and oppression wherever they occur, and welcoming also the work of human rights defenders in that regard,

Mindful that domestic law and administrative provisions and their application should not hinder but enable the work of human rights defenders, including by avoiding any criminalization or stigmatization of the important activities and legitimate role of human rights defenders and the communities of which they are a part or on whose behalf they work, as well as by avoiding impediments, obstructions, restrictions or selective enforcement thereof contrary to relevant provisions of international human rights law,

Underscoring that the legal framework within which human rights defenders work peacefully to promote and protect human rights and fundamental freedoms is that of national legislation consistent with the Charter and international human rights law,

Deplores the use of policies and legislation that restrict, hinder or limit the activities of human rights defenders in contravention of international human rights law, as well as judicial harassment or threat thereof against human rights defenders, including those addressing economic, social and cultural rights, and underlining the obligation of States to prevent and stop such practices,

Underlines the fundamental importance of access to justice through an independent and impartial judiciary,

Underscores the importance of access to information, including on alleged violations and abuses of human rights, and of the full and effective participation of individuals, groups and organs of society, including human rights defenders, in consultations, decision-making processes and, where relevant, implementation efforts related to legislation, policies, programmes and projects, with a view to mainstreaming, promoting and protecting human rights,

Expressing grave concern at the serious nature of risks faced by human rights defenders, their family members, associates and legal representatives, including threats, attacks and acts of intimidation and reprisal against them in different parts of the world, and gravely concerned about the resulting negative impact on the realization of economic, social and cultural rights, including violations and abuses in this regard,

Expressing grave concern also at the observations and findings of the Special Rapporteur on the situation of human rights defenders that human rights defenders addressing environmental and land issues and corporate responsibility, as well as those working on governance issues, promoting transparency and accountability, and those exposing discrimination, corruption and violence at the hands of States, business enterprises and other non-State actors, are among those human rights defenders who are most exposed and at risk, and noting with grave concern also the findings of the Working Group on Enforced or Involuntary Disappearance that the practice of enforced disappearance is often used to repress and intimidate human rights defenders and prevent others from claiming and exercising their economic, social and cultural rights,

1. *Stresses* that the right of everyone, individually and in association with others, to promote and strive for the protection and realization of all human rights and fundamental freedoms without retaliation or fear thereof is an essential element in building and maintaining sustainable, open and democratic societies, and reaffirms the urgent need to respect, protect, promote and facilitate the work of those defending economic, social and cultural rights as a vital factor contributing towards the realization of those rights, including as they relate to environmental and land issues as well as development;

2. *Calls upon* all States to take all measures necessary to ensure the rights and safety of human rights defenders, including those working towards the realization of economic, social and cultural rights and who, in so doing, exercise other human rights, such as the rights to freedom of opinion, expression, peaceful assembly and association, to participate in public affairs, and to seek an effective remedy;

3. *Welcomes* the work of the Special Rapporteur on the situation of human rights defenders, and notes with appreciation the attention given to the promotion and protection of economic, social and cultural rights, including in relevant reports of the mandate holder over time;¹

4. *Urges* all States to acknowledge in public statements at the national and local levels, and through laws, policies or programmes, the important and legitimate role of

¹ A/HRC/4/37, A/HRC/19/55, A/68/262, A/70/217.

human rights defenders, including women human rights defenders, in the promotion of human rights, democracy and the rule of law in all areas of society, in urban and rural areas, as essential components of ensuring their recognition and protection, including those promoting and defending economic, social and cultural rights;

5. *Strongly condemns* the reprisals and violence against and the targeting, criminalization, intimidation, arbitrary detention, torture, disappearance and killing of any individual, including human rights defenders, for their advocacy of human rights, for reporting and seeking information on human rights violations and abuses or for cooperating with national, regional and international mechanisms, including in relation to economic, social and cultural rights;

6. *Calls upon* all States to combat impunity by investigating and pursuing accountability for all attacks and threats by State and non-State actors against any individual, group or organ of society that is defending human rights, including against family members, associates and legal representatives, and by condemning publically all cases of violence, discrimination, intimidation and reprisals against them;

7. *Recognizing* the importance of the independent voice of human rights defenders and other civil society actors, as well as of partnerships between States and civil society in promoting, protecting and realizing all human rights, including economic, social and cultural rights, and the right to development, as well as in the context of the implementation of the 2030 Agenda for Sustainable Development;

8. *Emphasizes* the importance of national protection programmes for human rights defenders, and encourages States to consider, as a matter of priority, enacting relevant legislative and policy frameworks to this end, in consultation with human rights defenders, civil society and relevant stakeholders, taking into account, inter alia, the principles presented by the Special Rapporteur on the situation of human rights defenders;²

9. *Continues to express particular concern* about systemic and structural discrimination and violence faced by women human rights defenders of all ages, and calls upon all States to give effect to the principles and objectives established by the General Assembly in its resolution 68/181 by protecting the rights of women human rights defenders and by integrating a gender perspective into the efforts to create a safe and enabling environment for the defence of human rights, including economic, social and cultural rights;

10. *Underlines* the legitimate role of human rights defenders in mediation efforts, where relevant, and in supporting victims in accessing effective remedies for violations and abuses of their economic, social and cultural rights, including for members of impoverished communities, groups and communities vulnerable to discrimination, and those belonging to minorities and indigenous peoples;

11. *Stresses* that legislation affecting the activities of human rights defenders and its application must be consistent with international human rights law, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and guided by the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in this regard recognizes the urgent need to review and amend policies or legislation that have the effect of limiting the work and activities of human rights defenders in contravention of international human rights law;

² A/HRC/31/55.

12. *Calls upon* all States to ensure that information held by public authorities, including with respect to economic, social and cultural rights, and as related to environmental, land, natural resources and development issues, is proactively disclosed and not unnecessarily classified or otherwise withheld from the public, and also calls upon all States to adopt transparent, clear and expedient laws and policies that provide for the effective disclosure of information held by public authorities and a general right to request and receive information, for which public access should be granted, except within narrow, proportionate, necessary and clearly defined limitations;

13. *Also calls upon* all States to promote and enable public participation, and to promote transparency, accountability and effective governance, in the prevention of and the fight against corruption involving State officials, business representatives as well as other non-State actors, and in raising public awareness regarding the existence, causes and gravity of and the threat posed by corruption, including all possible impact on the enjoyment of economic, social and cultural rights, and further calls upon all States to respect, promote and protect the freedom of everyone to seek, receive, publish and disseminate information concerning corruption, including by protecting the actors doing so, including human rights defenders;

14. *Recognizes* the important and legitimate role of individuals, groups and organs of society that are defending human rights in identifying and raising awareness of human rights impacts, the benefits and risks of development projects and business operations, including in relation to workplace health, safety and rights, and natural resource exploitation, environmental, land and development issues, by expressing their views, concerns, support, criticism or dissent regarding government policy or action or business activities, and underlines the need for Governments to take the measures necessary to safeguard space for such public dialogue and its participants;

15. *Encourages* non-State actors to respect and promote the human rights and fundamental freedoms of all persons, including their economic, social and cultural rights, and to refrain from actions that undermine the capacity of human rights defenders to operate free from hindrance and insecurity, and encourages leaders in all sectors of society to express public support for the important and legitimate role of human rights defenders, including women human rights defenders;

16. *Underscores* in this regard the responsibility of all business enterprises, both transnational and others, to respect human rights, including the rights to life, liberty and security of person of human rights defenders, and their exercise of the rights to freedom of expression, peaceful assembly and association, and participation in public affairs, which are essential for the promotion and protection of all human rights, including economic, social and cultural rights, and the right to development;

17. *Encourages* business enterprises of all categories to avoid, identify, assess and address any adverse human rights impacts related to their activities through meaningful consultation with potentially affected groups and other relevant stakeholders in a manner consistent with the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework,³ and underlines the importance of accountability, including of all business enterprises, both transnational and others, including their provision of or cooperation in remedial action, and also encourages all business enterprises to communicate externally in an accessible form on how they address their adverse human rights impacts, including with information that is sufficient to evaluate the adequacy of the response to the particular human rights impact involved, particularly

³ See A/HRC/17/31, annex.

when concerns are raised by or on behalf of affected stakeholders, including by human rights defenders;

18. *Encourages* all States to engage in initiatives to promote effective prevention, accountability, remedy and reparations with a view to protecting the human rights of everyone, including human rights defenders, including from human rights abuses by business enterprises;

19. *Encourages* States to avail themselves of technical assistance in follow-up to the present and previous resolutions of the General Assembly and the Human Rights Council on the protection of human rights defenders, such as through collaboration, based on mutual consent, with national human rights institutions, regional organizations, the Office of the United Nations High Commissioner for Human Rights and relevant special procedures, and other relevant international agencies and organizations, as well as with other States;

20. *Invites* the Secretary-General to draw attention to the present resolution in the United Nations system and to continue to include alleged cases of reprisal and intimidation against human rights defenders addressing economic, social and cultural rights, as well as their family members, associates and legal representatives, in the annual report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights;

21. *Invites* the Special Rapporteur to continue to address the situation of human rights defenders in the field of economic, social and cultural rights, including good practices and challenges, in his work and reporting, including through collaboration and coordination with relevant United Nations agencies, organizations and mechanisms, treaty bodies and other relevant special procedures, in accordance with the mandate;

22. *Decides* to remain seized of the matter.



General Assembly

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Human Rights Council

Thirty-first session

Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Angola,* Argentina,* Armenia,* Australia,* Belgium, Bolivia (Plurinational State of),
Brazil,* Bulgaria,* Chile,* China, Congo, Cuba, Cyprus,* Denmark,* Djibouti,*
Ecuador, Egypt,* El Salvador, France, Germany, Ghana, Greece,* Guinea,*
Honduras,* Hungary,* Italy,* Japan,* Latvia, Lebanon,* Luxembourg,* Maldives,
Malta,* Montenegro,* Morocco, Namibia, Pakistan,* Panama, Paraguay, Peru,*
Philippines, Poland,* Republic of Korea, Romania,* Russian Federation, Saint Kitts
and Nevis,* Serbia,* Slovakia,* South Africa, Spain,* Thailand,* Timor-Leste,*
United States of America,* Venezuela (Bolivarian Republic of), Viet Nam: draft
resolution

31/... Promoting human rights through sport and the Olympic ideal

*The Human Rights Council,**Reaffirming* the purposes and principles of the Charter of the United Nations,*Recalling* the Universal Declaration of Human Rights and relevant international
human rights instruments,*Recalling also* the relevant provisions of the key international human rights treaties,
in particular article 31 of the Convention on the Rights of the Child, articles 1 and 30 of the
Convention on the Rights of Persons with Disabilities and articles 10 (g) and 13 (c) of the
Convention on the Elimination of All Forms of Discrimination against Women,*Recalling further* the resolutions adopted by the General Assembly on the issue of
sport and Olympic Games, in particular its resolutions 67/17 of 28 November 2012, 68/9 of
6 November, 69/6 of 31 October 2014 and 70/4 of 26 October 2015, the latter on building a
peaceful and better world through sport and the Olympic ideal, in which the Assembly
recognized the valuable contribution of sport in promoting education, development, peace,
cooperation, solidarity, fairness, social inclusion and health, at the local, regional and

* Non-member State of the Human Rights Council.

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international levels, and noted that, as declared in the 2005 World Summit Outcome,¹ sports can contribute to an atmosphere of tolerance and understanding among peoples and nations,

Reaffirming its previous resolutions on the issue of sport and human rights, in particular resolutions 13/27 of 26 March 2010, 18/23 of 30 September 2011, 24/1 of 26 September 2013, 26/18 of 26 June 2014 and 27/8 of 25 September 2014,

Noting that the Olympic Charter, among its fundamental principles of Olympism, stipulates that every individual must have the possibility of practising sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play,

Recognizing the potential of sport as a universal language that contributes to educating people on the values of respect, dignity, diversity, equality, tolerance and fairness as a means to combat all forms of discrimination and to promote social inclusion for all,

Recognizing also that sport and major sporting events can be used to promote awareness, understanding and the application of the Universal Declaration of Human Rights,

Recognizing further the imperative need to engage women and girls in the practice of sport, and to enhance, to this end, their participation in sporting events at the national and international levels,

Acknowledging the potential of sport and major sporting events to educate the youth of the world and to promote their inclusion through sport practiced without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity,

Noting the Fundamental Principles of Olympism as enshrined in the Olympic Charter,

Acknowledging the joint endeavours of the International Olympic Committee, the International Paralympic Committee, the Office of the Special Adviser to the Secretary-General on Sport for Development and Peace and the United Nations system in such fields as human development, poverty alleviation, humanitarian assistance, health promotion, HIV and AIDS prevention, child and youth education, gender equality, peacebuilding and sustainable development,

Acknowledging also the importance of the Youth Olympic Games in inspiring youth through integrated sports and cultural and educational experiences, and noting in this regard the successful conclusion of the Second Youth Winter Olympic Games, held in Lillehammer, Norway, from 12 to 21 February 2016,

Reaffirming the need to combat discrimination and intolerance where they occur, within and outside the sporting context,

Recognizing that sport, the Olympic and Paralympic Games, and other international major sporting events, such as the International Federation of Association Football World Cup, can be used to promote human rights and strengthen universal respect for them, thus contributing to their full realization,

Acknowledging the valuable contribution that the appeal by the International Olympic Committee for an Olympic Truce, also known as *ekecheiria*, could make towards advancing the purposes and principles of the Charter of the United Nations,

¹ General Assembly resolution 60/1.

Acknowledging also the very important role of the media in the promotion and popularization of sport and in raising public awareness of the merits of practicing as a key element of a healthy lifestyle, thus contributing to the enjoyment of the highest attainable standard of physical and mental health,

Acknowledging further that the media should be encouraged to report on how sport can translate into respect for human rights and promote social cohesion and acceptance of diversity and the values of sport, including integrity, teamwork, excellence, respect, tolerance, fair play and friendship,

Welcoming the hosting of the Olympic and Paralympic Games in the cities of Rio de Janeiro, PyeongChang, Tokyo and Beijing in 2016, 2018, 2020 and 2022 respectively, and stressing the opportunity to promote human rights, especially through sport and the Olympic ideal,

Recognizing the potential of sport and major sporting events in contributing to the achievement of the Sustainable Development Goals of the 2030 Agenda for Sustainable Development² to fostering peace and sustainable development, as well as to the inclusion of persons with disabilities, and the promotion of non-discrimination, taking into account the need to address and prevent improper practices of stakeholders engaged in the organization and preparation of sports events, which may lead to human rights violations and abuses and negatively affect the economic, social and environmental spheres,

Recalling the designation of 6 April as the International Day of Sport for Development and Peace, and encouraging the celebration of this day,

Being aware of the need to actively involve sport and the Olympics in achieving the full and equal enjoyment of all human rights by persons with disabilities, as well as respect for their inherent dignity, recognizing efforts made by the hosting countries to create a barrier-free environment for persons with disabilities, and stressing the need to continue to build on efforts made at the 2014 Winter Olympic Games in Sochi and the 2014 International Federation of Association Football World cup in Brazil,

Recognizing the need to reflect more thoroughly on the value of relevant principles enshrined in the Olympic Charter and good sporting example in achieving the universal respect for realization of all human rights,

Recognizing also the need to support the independence and autonomy of sport and to preserve integrity in sports in all aspects, through good governance of sport executive bodies and the effective and impartial implementation of anti-corruption, anti-doping and other relevant regulations, without prejudice to the human rights of athletes,

1. *Takes note with appreciation* of the final report of the Advisory Committee on the possibilities of using sport and the Olympic ideal to promote human rights for all and to strengthen universal respect for them,³ and encourages States, national, regional and international sport organizations and other stakeholders to implement, as appropriate, its recommendations;

2. *Calls upon* States to cooperate with the International Olympic Committee and the International Paralympic Committee in their efforts to use sport as a tool to promote human rights, development, peace, dialogue and reconciliation during and beyond the period of the Olympic and Paralympic Games, in particular by observing the Olympic Truce;

² General Assembly resolution 70/1.

³ A/HRC/30/50.

3. *Encourages* States to promote sport as a means to combat all forms of discrimination;

4. *Invites* States and national, regional and international sports organizations to, where appropriate, implement new or strengthen existing programmes that provide more opportunities and facilitate barrier-free access to sport for all, in particular for children and youth, persons with disabilities, and women and girls, as well as substantially increase opportunities for women's participation and leadership in all areas of sport;

5. *Encourages* States and national, regional and international sports organizations to enhance human rights awareness and education, including the values of sport, of athletes, coaches and other sports officials;

6. *Calls upon* States to take effective measures to address vandalism and violence during and around sporting events, and to encourage national, regional and international sports organizations to contribute to that end;

7. *Welcomes* the cooperation among Member States, the United Nations and its specialized agencies, funds and programmes, the International Olympic Committee and the International Paralympic Committee to maximize the potential of sport to make a meaningful and sustainable contribution to the achievement of the Sustainable Development Goals of the 2030 Agenda for Sustainable Development, and encourages the Olympic and Paralympic movements to work closely with national, regional and international sport organizations on the use of sport for this purpose;

8. *Decides* to convene a panel discussion at its thirty-second session on the possibility of using sport and the Olympic ideal to promote human rights for all, including persons with disabilities;

9. *Also decides* to continue consideration of this issue in accordance with the programme of work.
